

**Recognition of Receipt of Employee Handbook**

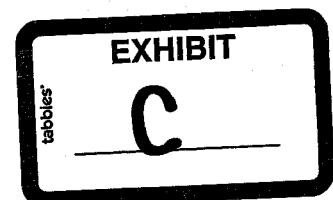
I, \_\_\_\_\_, an employee of the Town of Clayton,  
have received a copy of the Town's Employee Handbook. I have also had this handbook  
reviewed with me by a Town official and understand that these are the policies that I am  
expected to abide by while employed by the Town of Clayton. I understand that these  
policies are in place to protect the Town and myself as an employee. If at any time I  
should need further explanation regarding Town policy I will feel free to discuss this  
issue with the Town Clerk, the Mayor or a Council member.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Date



# Town of Clayton

## Employee Handbook

### **ARTICLE I. INTRODUCTION**

- Section 1. Establishment of Rules
- Section 2. Dissemination of Rules
- Section 3. Definitions
- Section 4. Administration of Personnel, Age and Sex Discrimination Prohibited, Exceptions

### **ARTICLE II. APPOINTMENT AND PROMOTION**

- Section 1. Generally, Fitness As Basis; Evaluation of Fitness; Authority
- Section 2. Tests
- Section 3. Age
- Section 4. Promotion
- Section 5. Probation
- Section 6. Relatives In the Local Government
- Section 7. Reemployment Following Resignation
- Section 8. Emergency Appointments
- Section 9. Provisional Appointments

### **ARTICLE III. PAY OF EMPLOYEES**

- Section 1. Pay Plan Generally
- Section 2. Performance Evaluations
- Section 3. Review of Performance Evaluations by Employees
- Section 4. Pay and Allowances
- Section 5. Overtime
- Section 6. Pay for Part-Time, Seasonal Employment
- Section 7. Deductions on Termination

### **ARTICLE IV. LEAVES OF ABSENCE**

- Section 1. General Policy, Types of Leaves Authorized
- Section 2. Holidays
- Section 3. Annual
- Section 4. Sick Leave
- Section 5. Bereavement Leave
- Section 6. Military Leave
- Section 7. Leave Without Pay
- Section 8. Family and Medical Leave
- Section 9. Official Duty Leave
- Section 10. Civil Leave
- Section 11. Leave Records
- Section 12. Forced Medical Leave

**ARTICLE V. EMPLOYEE BENEFITS**

- Section 1. Office Hours
- Section 2. Group Health Insurance
- Section 3. Retirement
- Section 4. Worker's Compensation
- Section 5. Supplementary Training Program

**ARTICLE VI. IN-SERVICE ACTIVITIES**

- Section 1. In-Service Training
- Section 2. Working Conditions, Foremanship
- Section 3. Conflict of Interest
- Section 4. Smoking Policy
- Section 5. Drug/Alcohol Policy (See Appendix II)

**ARTICLE VII. GRIEVANCE PROCEDURES**

- Section 1. Purpose
- Section 2. Definition
- Section 3. Grievance Policy in Cases Not Involving Dismissal
- Section 4. Protection

**ARTICLE VIII. DISCIPLINE AND DISCIPLINARY PROCEDURES**

- Section 1. General Duty of Employee
- Section 2. Discipline Policy
- Section 3. Causes for Disciplinary Action
- Section 4. Types of Disciplinary Action
- Section 5. Procedures Applicable to Suspensions of More than Three (3) Days, to Demotion, and to Dismissal
- Section 6. Suspension With Pay Pending Determination of Discipline
- Section 7. Probationary Employee
- Section 8. Operators of Town-Owned Motor Vehicles

**ARTICLE IX. POLITICAL ACTIVITY**

- Section 1. Political Limitations
- Section 2. Affiliation
- Section 3. Political Pressure

**ARTICLE X. OUTSIDE EMPLOYMENT**

- Section 1. Full-Time Employee Prior Notification to Department Head

**ARTICLE XI. MISCELLANEOUS**

- Section 1. Attendance and Punctuality
- Section 2. Dress and Appearance

**ARTICLE XII. PROCEDURE TO EFFECT A DISCIPLINARY  
TERMINATION OF A NONCLASSIFIED SERVICE  
EMPLOYEE OR TOWN OFFICIAL**

Section 1. Removal of Municipal Officer, Non-Classified Employees

**ARTICLE XIII. PROHIBITING DISCRIMINATION AND SEXUAL  
HARASSMENT**

Section 1. Purpose  
Section 2. Town Policy Governing Discrimination  
Section 3. Town Policy Regarding Sexual Harassment  
Section 4. Sexual Harassment Defined  
Section 5. Identification of Sexual Harassment  
Section 6. Who Can Be Involved in Sexual Harassment  
Section 7. If You Are Subjected to Sexual Harassment, Register a Complaint  
With Your Superiors  
Section 8. Prompt Investigation of Complaint  
Section 9. Confidential Report of Investigation  
Section 10. Prompt Remedial Action  
Section 11. Right of Rebuttal  
Section 12. Retaliation Prohibited  
Section 13. Notice

**APPENDIX 1. TRAVEL EXPENSES**

Section 1. Reimbursement for Travel  
Section 2. Ordinance Provisions  
Section 3. Repealed Ordinances  
Section 4. Effective Date

**APPENDIX 2. TOWN OF CLAYTON DRUG POLICY**

Manual Table of Contents  
Letter to Applicants and Employees  
Policy Statement  
Drug Education Information  
Substance Abuse Professionals

**APPENDIX 3. WORKMAN' S COMPENSATION**

On-the-Job Accident Procedures

**APPENDIX 4. STREET & SANITATION EMPLOYEES**

Rules & Procedures – June 6, 2001  
General  
Inmates  
Tools and Equipment

Vehicles

**ORDINANCE**

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**AN ORDINANCE REVISING AND AMENDING THE TOWN OF CLAYTON,  
ALABAMA PERSONNEL RULES AND REGULATIONS.**

BE IT ORDAINED by the Town Council of the Town of Clayton,  
Alabama, as follows:

Personnel Rules and Regulations of the Town of Clayton,  
Alabama, are hereby amended to read as follows:

## **ARTICLE I. INTRODUCTION**

### **SECTION 1. ESTABLISHMENT OF RULES.**

The following rules, regulations and other administrative provisions for personnel administration (hereinafter called "Rules") are established for the information and guidance of all concerned.

The rules herein established shall apply to all regular full time and part time employees, temporary/seasonal employees, department heads, provisional, and emergency appointed employees of the Town. The Town Clerk shall report cases of violations of the established rules to the Mayor and Council.

### **SECTION 2. DISSEMINATION OF RULES.**

Department heads will be furnished complete copies of all rules and changes thereto, and shall be responsible for maintaining a complete set of rules, and for bringing these rules to the attention of all employees under their supervision.

### **SECTION 3. DEFINITIONS**

(A) Allocation: The assignment of an individual position to an appropriate class of positions on the basis of the kind, difficulty, required skill, and responsibility of the work performed.

(B) Appointing Authority: that official or body having authority under the ordinances of the Town Council.

(C) Classification: The entire process of assigning and reassigning individuals to positions, to the end that employees will be employed and compensated on the basis of fitness, actual duties performed, so that there may exist equal pay for equal work.

(D) Demotion: The change of an employee from a position in one class to a position in another class having a lower pay grade and requiring the performance of less responsible duties.

(E) Official, officer:

(1) A person chosen by the electorate to serve as a public official of the Town; the Mayor, or a Councilman, for example.

(2) A department head elected by the Town Council; the chief of police, for example.

(3) A person delegated to serve in place of a department head, when so doing.

(4) A person appointed or deputized by the Mayor or the Town Council to serve in a special capacity.

(F) Position description: A detailed written description of the specific duties assigned to and performed by a particular employee to serve as the basis for classification.

(G) Probation: A working test period three (3) months for each and every town employee during which an employee is required to demonstrate, by actual performance, his/her fitness for the duties to which he/she is appointed, and his/her general fitness and suitability as a public employee.

(H) Promotion: The change of an employee from a position in one class to a position in another class having a higher pay grade and requiring the performance of more responsible duties.

(I) Reclassification: The reallocation of an employee or position to a different class of positions based upon substantial change in duties and responsibilities.

(J) Classified Employees: Persons in this class are appointed/discharged based on recommendation by the Department Head and approved by the Mayor.

(K) Non-Classified Employees: Persons in this class are appointed/discharged by the Town Council. Persons in this class include: Town Clerk, Police Chief, Recreation Director.

(L) Transfer: The reassignment of an employee to a position in the same pay grade without increase or decrease in rate of pay.

(M) Compensatory time: Time granted an employee that he/she has earned by working extra or unscheduled time that is directly equivalent to the time worked, Compensatory time for non-exempt employees must be taken during the month earned and no later than thirty (30) days from the date earned. Compensatory time shall be authorized at the discretion of the department head and will be

scheduled in a manner that minimizes the Town's liability for overtime under Fair Labor Standards Act. Compensatory time will be measured at the rate of one and one half times the earned compensatory hours.

**SECTION 4. ADMINISTRATION OF PERSONNEL, AGE AND SEX  
DISCRIMINATION PROHIBITED, EXCEPTION**

The Town Clerk shall maintain a complete system of personnel files and records. The policy of the Town of Clayton is that the Town will employ, compensate, promote, terminate and carry out other conditions of employment without regard to race, color, creed, national origin, sex, or age, except when sex or age is a bona fide occupational qualification.



## **ARTICLE II, APPOINTMENT AND PROMOTION**

### **SECTION 1. GENERALLY, FITNESS AS BASIS; ELEVATION OF FITNESS; AUTHORITY**

Appointments and promotions to all classified positions shall be solely on the basis of fitness for the position, which shall be determined by evaluation of the applicants:

- (A) Training, education, experience and physical fitness;
- (B) oral interviews; and
- (C) Whenever practical, an examination, oral interviews, and demonstration performance test.

The Mayor shall be ultimately responsible for and have sole authority to employ/discharge all employees in classified service. Department heads are non-classified and are employed/discharged by the Town Council. The Town Council will approve the number of positions authorized for each department.

### **SECTION 2. TESTS.**

(A) Test and examinations may be established which are warranted to determine whether or not the applicant or employee meets established standards.

(B) Before an individual is employed or transferred to a more rigorous position, he must be given a physical examination and drug test to determine his fitness to perform the job for which he has been employed.

### **SECTION 3. AGE**

The minimum age for employment to a regular full-time position within the classified service shall be eighteen (18) years of age, except for police officers the minimum age shall be twenty-one (21) years. The minimum age for employment of seasonal employees shall be sixteen (16) years of age.

The Mayor may establish lower minimum age levels for part-time, seasonal employees.

#### SECTION 4. PROMOTION

##### (A) General

Vacancies occurring in the classified service shall, whenever practical, be filled by promotion or transfer of a qualified employee within the public service. The Town Clerk will post notices of vacancies in all Town departments. The notice will advise employees of the vacant position, eligibility requirements, procedure of applying, and closing date for submitting application. However, the Town Clerk may recruit applicants from outside the classified service when it is determined such recruitment to be in the best interest of the department. Promotion from within the classified service shall be from a promotional roster established pursuant to Section 4 (b). Promotions shall be made by the Mayor.

##### (B) Establishment of Rosters.

The Town Council will establish promotion rosters as needed. Employees will be ranked on the roster on the basis of scores derived from one or more of the following factors: (1) written tests, (2) interviews and, (3) performance evaluations. The factor to be used in establishing such rosters and the relative weights to be assigned to each such factors and weights are determined and assigned by the Town Council. Rosters shall be valid for such period of time as each department head shall deem appropriate; but in no event shall a roster be used more than 18 months after its establishment.

#### SECTION 5. PROBATION.

##### (A) Generally.

Each and every employee receiving an appointment or a promotion to a position in the classified service must complete a minimum three (3) month probationary period. Each and every employee in the classified service must complete his probationary period and receive the affirmative approval of the Town Council before appointment or promotion shall be considered regular. During the employee's probationary period, the employee's work habits, abilities, promptness, and other pertinent characteristics will be observed and evaluated by a supervisor and the Mayor. If the probationary employee fails to meet required standards of performance, employment will be terminated, or if the individual, is a promoted regular employee, the

individual may be restored to the classification and position from which he was promoted or to a comparable position. Demotion will be conditional, subject to review and approval of the Town Council. An employee shall not be promoted during his probationary period without special written justification by the Mayor. The probationary employee must complete a full year in regular status before being considered for a promotion unless upon the written request of the Mayor.

(B) Termination during probationary period.

If at any time during the probationary period the Mayor determines that the service of the employee has been unsatisfactory, the employee may be suspended immediately without pay and be terminated from his position.

(C) Probationary reports,

Approximately ten (10) days prior to the employee's completing approximately fifty (50%) per cent of his probationary period and approximately ten (10) days prior to completing the probationary period, the department head shall complete a probationary report and notify the Mayor and Town Council in writing that either:

(1) The employee has successfully completed his probationary period and shall henceforth be considered a regular employee with all rights and privileges due him.

(2) The employee has not demonstrated the ability to perform satisfactorily the duties of the position, and is to be terminated from employment or, if promoted from another position, returned to the previous or a similar classification.

(D) Conversion from probationary to regular status.

Notwithstanding, anything contained to the contrary herein, no employee shall move from a probationary status to a regular status without the written affirmative approval of the Town Council regardless of the length of time served by said probationary employee, the probationary status shall be deemed to be automatically extended to afford sufficient time to the department head to comply with any time or percentage requirements herein. A Personnel Action Form will be completed and signed by the Department Head and forwarded to the Town Clerk for proper processing.

(E) The time, portions, and numbers specified in paragraphs 5(A), 5(B), 5(C), and 5(D) hereinabove are guidelines only; and the failure of a supervisor, department head, Mayor, or the Town Council to comply with any specified or implied deadline shall not be deemed to be a violation of an employee's rights and shall be correctable at anytime during said probationary period by complying with said times, portions, and numbers within a reasonable time after it has been reported to the Town Council that there has been a failure to comply with said times, portions, and numbers.

#### **SECTION 6. RELATIVES IN THE LOCAL GOVERNMENT.**

No employee shall supervise a member of his immediate family. "Immediate family" is defined as wife, husband, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepmother, stepfather, stepson, stepdaughter, uncle or aunt, nephew or niece, grandparent of grandchild. Department heads will be responsible for arranging shift conditions to adjust any conflicts that may develop as a result of promotion or demotion within his department. This section shall not prevent a department head from utilizing all available personnel in an emergency situation.

#### **SECTION 7. REEMPLOYMENT FOLLOWING RESIGNATION.**

Any classified employee resigning in good standing may file a written request to be placed on a reemployment roster for a period of one year. Employees who are listed on the employment roster may, within one year of their effective date of resignation, make a written request to the Town Council for reemployment to their original position. If the request is approved, all entrance requirements will be waived with the exception of the physical examination and drug test that must be successfully completed prior to reappointment.

This section applies only to classified-employees.

#### **SECTION 8. EMERGENCY APPOINTMENTS.**

When an emergency arises, such that in order to prevent loss of public property or serious inconvenience to the public, one or

more persons must be immediately employed without taking time to secure certification from the Town Clerk of the names of eligible persons, the Mayor may appoint any qualified person during the period of the emergency but not for a period exceeding one month. No vacancy in a position caused by a resignation of which the Town Council has had reasonable notice shall be considered an emergency. The Mayor or his/her authorized agent shall, as soon as possible, report to the Town Clerk any emergency appointment giving name of appointee, rate of pay, probable length of employment, nature of emergency, and nature of duties performed. Separation from service of an emergency appointee shall likewise be reported. No emergency appointment may be renewed.

#### **SECTION 9. PROVISIONAL APPOINTMENTS.**

Whenever it is impossible to certify eligible persons for appointment to fill a vacancy in the classified service, the Mayor may appoint a person to fill such vacancy only until an appropriate register can be established and appointment made therefrom. In no event shall a provisional appointment be continued for more than eighty-six (86) work days. Successive provisional appointments of the same person shall not be made.

### **ARTICLE III. PAY OF EMPLOYEES**

#### **SECTION 1. PAY PLAN GENERALLY.**

Salaries of city employees are regulated by an established pay plan. At the discretion of the Town Council, town employees may receive a cost of living pay increase annually. These pay increases are fixed by the Town Council and when authorized are adjusted effective October 1st of the year it is authorized. Probationary employees pay will be adjusted upon successful completion of probationary period.

#### **SECTION 2. PERFORMANCE EVALUATIONS.**

A performance evaluation form approved by the Town Council must be completed annually and reviewed with each employee, and forwarded to the Town Clerk.

All requests for pay changes must be accompanied by a copy of the most recent performance evaluation for the employee.

#### **SECTION 3. REVIEW OF PERFORMANCE EVALUATIONS BY EMPLOYEES.**

An employee may request a copy of his performance evaluation from the Town Clerk without prior approval by his or her supervisor; however, if there is evidence of a grievance, the employee is advised to follow the procedure as established in Article IX, "Employee Complaint or Grievance Procedure".

#### **SECTION 4. PAY AND ALLOWANCES.**

Rates of pay established are gross and total compensation for full-time or part-time service in the various classifications. Rates of pay established provide full compensation for whatever hours may be reasonably required in all classes of positions, and no position shall be subject to additional compensation as a result of any reasonable variation in hours worked. The department head may authorize pay for overtime work in emergencies or other usual occasions beyond reasonable requirements of hours worked.



**SECTION 5. OVERTIME.**

As a general rule, all Town departments operate on a seven day, forty-hour workweek (five (5) days, eight (8) hours each day) with the exception of the police department, for which separate provision is made. Considering good management procedures and fiscal implication, it is incumbent upon department heads to plan work schedules to preclude unnecessary or avoidable overtime. However, when employees are directed by supervisors to work extra time in addition to their regular working hours during any emergency or other contingency, they shall be compensated for such overtime. Records of all overtime worked will be kept by the respective department heads and will be attached as supporting documents to the respective payrolls. Effective upon adoption of these rules:

(A) Any employee, except police officers who are required to work more than forty (40) hours per week, will receive pay for those extra hours at one and one-half (1 1/2) times the regular rate at which he/she are paid or, the employee may elect to receive compensatory time at the rate of one hour for each hour worked, provided that no employee shall accrue pay at the overtime rate unless said employee shall have worked Forty (40) hours during the 7-day work week in the pay period for which the overtime rate is claimed.

(B) Persons serving in the following capacities shall not be regarded as hourly employees; but, instead, shall be regarded as executive, administrative, or professional employees who shall not be entitled to overtime pay but whose annual salary will be set by the Town Council: Town Clerk, Police Chief, Superintendent of Streets and Sanitation, Recreation Director and such other individuals as may be designated as Executive, Administrative, or Professional employees at the time of their employment by the Town Council.

(C) When an emergency crew or individual is "called back" to work after normal working hours, he shall be reimbursed for his overtime hours, but in no case for less than two (2) hours at one and one-half (1 1/2) times the hourly rate at which he is paid.

(D) No employee in the classified service eligible to receive overtime pay will order himself into overtime work without the approval of the next individual in the supervisory chain of command (e.g., the department head or Town Clerk if the situation arises). Regularly designated emergency crews are

considered to have approval if a situation arises whereby they are "called back" to duty.

**SECTION 6. PAY FOR PART-TIME SEASONAL EMPLOYMENT.**

The Town Clerk, with the concurrence of the Mayor and Council, may establish rates of pay for part-time or seasonal employment or for other employment of a limited duration not to exceed six (6) months. In establishing such rates of pay, the Town Clerk shall take into consideration the applicable rate if such employment were permanent or full-time, the prevailing rates in other employments, and the appropriate available for such part-time or seasonal employment.

**SECTION 7. DEDUCTIONS ON TERMINATION.**

On termination of employment, the municipality shall deduct and withhold from the final paycheck of an employee any amount owed the municipality in payment for unearned leave, unreturned equipment, or any other indebtedness to the municipality; and the final paycheck shall not be issued until the extent of any indebtedness to the municipality has been determined and cleared. The department head shall be responsible for notifying the Town Council of any of the above.



#### ARTICLE IV. LEAVES OF ABSENCE

##### SECTION 1. GENERAL POLICY, TYPES OF LEAVES AUTHORIZED.

The following types of leaves, and no other, are officially established: holidays, annual leave, sick leave, military leave, civil leave, leave without pay, official duty leave, bereavement leave, and family medical leave.

##### SECTION 2. HOLIDAYS.

(A) Designated. The following and such other days as the governing body proclaims are recognized as holidays for all employees:

New Year's Day (January 1st)

Martin Luther King Day (to coincide with Federally designated holiday)

Memorial Day (last Monday in May)

Independence Day (July 4th)

Labor Day (first Monday in September)

Veterans Day (November 11th)

Thanksgiving Day (4TH THURSDAY IN NOVEMBER AND THE DAY FOLLOWING THANKSGIVING DAY)

Christmas Eve (December 24th)

Christmas Day (December 25th)

(B) Holidays on scheduled workdays. Each employee will receive holiday pay for each of these days in an amount equal to the number of his regularly scheduled daily work hours times his regular rate of pay, provided that the employee must not have been absent without leave on his last scheduled workday before the holiday or his scheduled workday after the holiday.

(C) Compensation for work on designated holidays: If an employee is required to work on one of the above holidays, he

will be compensated at one and one-half (1 1/2) times his regular rate of pay for all hours worked that day.

### SECTION 3. ANNUAL.

(A) Generally. All full-time classified and non-classified employees will earn annual leave as follows:

(B) Conditions for approval. Employees must receive approval from his/her supervisor or Department Head prior to taking annual leave. Length of notification as set forth by policy in each Department.

Months of Service	Hours of Annual Accumulated Leave
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0-120	(8 hr/mo)
120+	(10 hr/mo)

MAXIMUM ACCUMULATION: 180 hours

(C) Separation and Retirement. Employees resigning voluntarily, in good standing, or retiring and who give the maximum notice of two (2) weeks of their intention to resign/retire will earn annual leave credit as of the date of resignation. Failure to give the required notice could result in loss of accumulated annual leave.

(D) Disposition of annual leave at separation. Employees with three (3) months service or more will be allowed payment of unused leave balance.

### SECTION 4. SICK LEAVE.

(A) Generally. All employees, after one month of service, are eligible for sick leave. Sick leave with pay shall be granted only for the following reasons: Personal illness and physical incapacity resulting from causes beyond the employee's control; enforced quarantine of the employee in accordance with community health regulations, or attendance upon members of the family ("family member" means husband, wife, mother, father, son, daughter, stepmother, stepson, stepdaughter, stepfather, grandchild, grandparents, father-in-law and mother-in-law) of the employee whose illness requires the care of such employee. A doctor's certificate may be required, at the discretion of the department head when an employee is absent from work due to family illness as defined above.

(B) Amount of sick leave. Each full-time regular employee with less than 10 years service accrues sick leave at the same rate of 8 hours per month. Employees with 10 or more years service accrue sick leave at the rate of 10 hours per month. After a probationary employee has worked one month, he/she shall be entitled to sick leave. Each part-time regular employee accrues sick leave at the rate of 4 hours per month. The Town will allow unlimited accumulation of sick leave.

(C) Conditions for approval.

(1) Employees may be required to furnish a statement from a doctor certifying that the employee was sick. This statement must be furnished to the employee's immediate supervisor upon returning to work. Failure to furnish the required statement will result in the loss of pay from the first day of leave.

(2) Sick leave is not a right but a privilege and shall not be used as annual leave. The Personnel Officer and department heads are authorized to take all necessary steps to prevent abuses, to include verifying illness, or to require a medical examination as evidence of physical condition.

(D) Disposition of sick leave at separation, upon separation from the service, all sick leave is canceled and is not transferable to annual leave.

#### **SECTION 5. BEREAVEMENT LEAVE.**

All classified employees will be credited with three (3) working days of leave for the death of an immediate family member, provided they occur on a scheduled work day. A work day will be calculated at 8 hours. The three days are considered to be the day before, the day of, and the day after the funeral. If an employee is notified of the death on a scheduled work day and is released of his duties, a sick leave day will be credited for that day, to be calculated at 8 hours for all other city personnel. Any additional time that an employee requests after the bereavement leave has been exhausted will be counted against the employee annual leave, if available and will be granted as departmental schedules permit. Immediate family member will be considered to be: mother, father, sister, brother, daughter, son, wife, husband, stepmother, stepfather, step-son or step-daughter, son-in-law, daughter-in-law, grandparents, grandchild, mother-in-law, and father-in-law. Bereavement leave shall only apply to the above and under conditions as defined and cannot be transferred to any other leave, upon separation from service, all bereavement leave is canceled.

## **SECTION 6. MILITARY LEAVE.**

(A) Generally. Military leave means training and service duty performed by an inductee, enlistee, or reservist, or any entrant into a component of the armed forces of the United States, to include time spent in reporting and returning from such training in service or, if rejection occurs, from the place of reporting for service. It also includes active duty training as a reservist in the armed forces of the United States, or as a member of the National Guard of the United States.

(B) Restoration. An employee returning from military leave of a maximum of four (4) years shall be entitled to restoration to his former position, providing he/she makes application within ninety (90) days after his/her release from duty and is physically and mentally capable of performing the duty involved.

(C) Disposition of pay and sick leave. A regular employee who leaves employment with the town directly for such military leave without pay may elect to be paid for any accrued vacation as he/she may be entitled to if he/she were actually separated from the service. If the employee elects not to be paid for such leave, the accrued leave credit shall be reinstated upon return of the employee to duty under this provision and shall have unused sick leave credits restored for their use.

(D) Mandatory training. Any employee who is a member of the National Guard of Alabama or a reserve officer or an enlisted man/woman in the Army or Navy or Marine Corps or Air Force reserve shall be granted leave of absence with pay for the purpose of attending an encampment of such organization for training when so ordered by the military authority. The maximum military leave with pay shall not exceed twenty-one (21) work-days in any calendar year.

## **SECTION 7. LEAVE WITHOUT PAY.**

(A) Generally. The Town Council may grant leaves without pay for other than medical reasons for a period not to exceed one year when it is in the interest of the local government to do so. At the expiration of the leave without pay, the employee has the right to, and shall be reinstated to, the position he vacated if

the position still exists or, if not, to any other vacant position in the same class. Approved leave without pay shall not constitute a break in service. All annual and sick leave must have been exhausted.

(B) Unexplained absence. Unexplained absence shall not be compensable nor charged as paid leave time. Leave of any category in excess of that authorized shall be charged as leave without pay and deduction made from pay for that period.

#### **SECTION 8. FAMILY AND MEDICAL LEAVE**

In compliance with the Federal Family and Medical Leave Act of 1993, effective August 5, 1993, a maximum of 12 weeks of Family and Medical Leave without pay in any 12 month period measured forward from the commencement of an employee's first leave under the Policy will grant, as follows for:

(A) the birth of a child and care for a child following a birth;

(B) the placement of a child with the employee. A "child" includes a biological, adopted or foster child, stepchild, a legal ward, or a child for whom the employee stands in loco parentis (i.e., in the place of a parent) who is under 18 years of age; or 18 years of age or older and incapable of self care because of a mental or physical disability.

(C) to care for the spouse, child, or parent of the employee who have a "serious health condition". A "parent" means the biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

Documentation of relationships or illnesses will be required in a timely manner.

Under this section, leave after the birth or placement of a child must be taken within twelve months after the birth or placement.

A serious health condition is an illness, injury, impairment, or physical or mental condition that involves:

(1) inpatient care at a hospital, hospice, or residential medical care facility, or

(2) continuing treatment by a health care provider.

CONDITIONS:

(a) Prior to requesting applicable leave without pay, employees must first exhaust all applicable accrued sick and vacation leave.

(b) Leave without pay will not be considered time worked for purposes of accruing seniority, longevity, vacation, sick or other employee benefits.

(c) If the husband and wife both work for the Town, a combined total of 12 weeks of leave for both (not 12 weeks each) are possible during any 12 month period, if the leave is to care for a new child (by birth or placement). If the leave is to care for a sick child or the other spouse, then each spouse is entitled to 12 weeks each.

(d) The employee may take Family and Medical Leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year), or under certain circumstances may use the leave to reduce the work week or work day, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 weeks over a 12- month period. However, for the birth, adoption or foster care of a child, the Town and the employee must mutually agree to the schedule before the employee may take the leave intermittently or work a reduced hour schedule.

The Town may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the employee is qualified for the position and if the alternative position would better accommodate the intermittent or reduced schedule.

(e) The employee may be required to report periodically on his/her status and intention to return to work.

(f) The employee's position may be filled by a temporary appointment or assignment of another employee. At the expiration of the leave, the employee shall be reinstated in the position vacated.

(g) Except as provided herein, the employee, upon returning to work from a medical leave must report to their Supervisor or Department Head. The employee may be required to submit a written approval from their health care provider stating the



employee is approved to return to work. The employee may be required to complete a health examination.

(h) While the employee is on Medical and Family Leave, the Town will continue the employee's health benefits during the leave period at the same level of benefits and under the same conditions as if the employee had continued to work.

(i) Under current Town procedures, an employee on paid leave continues to pay the contribution rate via payroll deductions when an active employee. An employee on unpaid Family and Medical Leave continues to pay the contribution as when an active employee. The employee must continue to make this payment either in person or by mail to the Town's Accounting Department. Payment must be received by the last day of the month prior to each month of coverage. If the payment is late, the employee's health care coverage may be dropped for the duration of the leave.

If the employee chooses not to return to work for reasons other than a continuation, recurrence, or onset of a serious health condition or for other circumstances beyond the control of the employee, the Town will require the employee to reimburse the Town the amount it paid for the employee's health insurance premium during the leave period.

(j) Employees are eligible if they have at least 12 months of service with the Town, and have worked 1250 hours over the previous 12 months.

#### **SECTION 9. OFFICIAL DUTY LEAVE.**

An employee who is absent from work while on official business for the municipality, or while participating in training or educational courses to which he/she has been asked by the municipality, or while attending professional conferences and meetings authorized or required by the appointing authority shall be granted leave with full pay without charge against annual leave.

#### **SECTION 10. CIVIL LEAVE.**

An employee called for service on a jury may be granted leave with full pay for the duration of the period for which called, unless released earlier, without charge against annual leave.

#### **SECTION 11. LEAVE RECORDS.**

All leave records shall be maintained by the Town Clerk and filed in the employee's personnel file. Leave slips shall be prepared for all forms of leave, including official duty leave and leave without pay. Leave slips to cover sick leave shall be prepared and submitted to the Personnel Officer with payroll. All other leave slips shall be prepared monthly, and submitted to the personnel office.

#### **SECTION 12. FORCED MEDICAL LEAVE**

(A) Generally. All employees are subject to being placed on temporary involuntary medical leave when it is determined to be in the best interest of the employee and/or the Town for the employee to be classified as such. The purpose of temporary involuntary medical leave is to permit an employee to take time off for an actual illness or injury when the Department Head or his duly assigned designee determines that the action is in the best interest of the affected employee, his/her fellow employees, and that of the governmental entity.

(B) Amount of temporary involuntary medical leave. Any employee placed on temporary involuntary medical leave shall use his accumulated sick leave as specified in Section 4, Article IV. In order to be taken off temporary involuntary medical leave, the employee must furnish a written medical report from his/her physician and/or any Town designated physician, stating that the employee is able to return to his/her normal assigned work duties and that the employee is able to discharge his/her full responsibilities without undue risk to the employee, his/her fellow employees, or the Town of Clayton.

(C) In case of a work-related injury making it impossible for an employee to perform the employee's work, every effort will be made to assign the employee to work that can be done within the limitations caused by the injury. If the injury prevents the employee from doing any work at all, the employee shall be eligible for Workers Compensation benefits according to the particular facts surrounding the occurrence that resulted in the injury.



## **ARTICLE V. EMPLOYEE BENEFITS**

### **SECTION 1. OFFICE HOURS.**

Normal office hours are an eight-hour day between the hours of 8 A. M. and 5 P. M. Where activities of a particular department require some other schedule to meet workloads, the appointing authority may authorize a deviation from the normal schedule. A maximum of one hour is permitted for lunch, and such time shall be considered non-compensable.

### **SECTION 2. GROUP HEALTH INSURANCE.**

The Town participates in medical group insurance. The Town pays a portion of this insurance program for each of its employees, and employees may cover their dependents by payment of whatever charges are incurred for dependent coverage. The Town Clerk can furnish each employee with a booklet that explains the insurance program in detail.

### **SECTION 3. RETIREMENT.**

The Town is a member of the State Employees Retirement System of Alabama. Enrollment in the retirement program is mandatory and is a condition of employment for full-time, regular employees.

### **SECTION 4. WORKERS COMPENSATION.**

Employees are covered under Risk Management Insurance, as required by Code of Alabama 1975, Title 25, Chapter 4, Articles 1 through 7, inclusive.

### **SECTION 5. SUPPLEMENTARY TRAINING PROGRAM.**

(A) Generally. The Town recognizes that improved skills and capabilities of its employees can be valuable from the viewpoint of both the City and the employee. Consequently, it is the Town's policy to aid its employees to improve themselves through professional educational programs, seminars, workshops, conferences, and personal enrichment courses.

(B) Eligibility. All full-time regular employees will be eligible to attend programs for professional improvement. All police officers are required to attend and successfully complete a basic police officers' training course within twelve (12) months of their employment.

(C) Approved courses. A program may be eligible if, in the opinion of the Mayor and/or Town Council, it will either:

(1) Improve the employee's ability to perform his/her present job; or,

(2) help prepare the employee for a job with the Town which will demand a higher level of responsibility and/or skill.

(D) Financial consideration. The Town may pay the cost of tuition, registration fee, books, and laboratory fees, travel and meals and lodging away from home.

## **ARTICLE VI, IN-SERVICE ACTIVITIES**

### **SECTION 1. IN-SERVICE TRAINING.**

Department Heads, with the assistance of the Personnel Officer, shall be responsible for developing the skills of their employees through in-service training, for investigating training programs outside the city government and referring municipal employees to those programs, and for making recommendations on whether the municipality should pay for such training.

### **SECTION 2. WORKING CONDITIONS, FOREMANSHIP.**

Department Heads shall be held responsible for providing suitable and adequate working conditions within their means, and for making recommendations for corrections not within their means of any conditions not suitable or adequate, Department heads shall further be held responsible for those matters normally associated with foremanship, such as development of employee morale and effectiveness.

### **SECTION 3. CONFLICT OF INTEREST**

Employees of the Town of Clayton and the many governmental entities associated with the town's comprehensive operations should be aware of a conflict of interest and potential ethics violation regarding the use of their job for personal gain. Employees should not be using town owned or board owned equipment for their personal use, nor should employees be using the exempt status of the municipality or its governmental entities to purchase items for their personal use. Any employee found to be breaking this regulation may face Town Council disciplinary action as well as action by the Alabama Ethics Commission. Supervisors are charged with the responsibility to report these violations to their department head as soon as the incident is discovered for immediate action.

### **SECTION 4. SMOKING POLICY.**

For mutual well-being and comfort of all employees and visitors the following policy will apply to all employees and visitors:

Smoking will not be allowed in Town buildings or vehicles at any time. Employees and visitors will refrain from smoking inside Town offices and facilities.

## **SECTION 5. DRUG/ALCOHOL POLICY**

### **(A) PURPOSE AND OBJECTIVE:**

The Town of Clayton, Alabama recognizes the fact that the problems of drug use and alcohol abuse have become widespread throughout our community and nation. The Town is aware that it is not immune from alcohol abuse and drug use by its employees and wishes to take steps to prevent those problems. The Town believes that the only effective means of avoiding potential problems is through a comprehensive written policy. The purpose of the policy is to prevent drug use and alcohol abuse by Town employees in addition to complying with the Drug-Free Workplace Act of 1988, which mandates the establishment of a drug-free workplace as a prerequisite to receiving or continuing to receive federal grants and contracts. The objective of the policy is to provide a safe and healthful work environment for all employees, and thereby provide the highest level of safety and service to the public. The Town Council reserves the right to amend this policy from time to time as required.

### **(B) STATEMENT OF POLICY.**

For the mutual well being, safety and good health of all employees, the Town of Clayton's Drug Policy will be effective September 10, 2001, and shall apply to all municipal, police and fire department employees. Please see Town of Clayton Drug Policy for more information.

## **ARTICLE VII. GRIEVANCE PROCEDURE**

### **SECTION 1. PURPOSE.**

The purpose of the grievance procedure is:

(A) To insure employees a procedure by which their complaints can be considered rapidly, fairly and without reprisal.

(B) To encourage the employee to express himself/herself about the conditions of work as they affect him as an employee.

(C) To promote better understanding of policies, practices and procedures which affect employees.

(D) To instill confidence in employees that personnel actions are taken in accord with established, fair and uniform policies and procedures.

(E) To develop in supervisors a greater sense of responsibility in their dealings with employees.

### **SECTION 2. DEFINITION.**

A "grievance" is any complaint that an employee has relating to working conditions, to terms and conditions of employment, or to disciplinary action, except that of a complaint related to a disciplinary suspension, to a disciplinary demotion, or to a dismissal.

### **SECTION 3. GRIEVANCE POLICY IN CASES NOT INVOLVING DISMISSAL.**

(A) Purpose; informal adjustments encouraged. The most effective accomplishment of the work of the municipality requires prompt consideration and equitable adjustment of the employee grievances. It is the desire of the municipality to adjust the causes of grievances informally, and both supervisors and employees are expected to make every effort to resolve problems as they arise.

(B) Procedure. The procedure to be followed by an employee who has a grievance (not involving a complaint relating to a disciplinary suspension of more than three (3) days, to a

disciplinary demotion or to a disciplinary termination) is as follows:

**STEP 1.** Within five (5) working days after the event-giving rise to a grievance, the employee must present the grievance to his/her supervisor in writing.

**STEP 2.** If the grievance is not acted upon by the employee's supervisor, or if the grievance is not resolved to the satisfaction of the employee, the grievance must be reduced to writing and submitted by the employee to the Town Clerk. The written grievance must be received by the Town Clerk no later than ten (10) days following the date it was presented to the employee's supervisor and, in no event, more than fifteen (15) days after the event giving rise to the grievance. Failure to submit a timely written grievance terminates an employee's rights under the grievance procedure.

**STEP 3.** Upon receipt of a written grievance, the Town Clerk shall forward a copy of the grievance to the employee's supervisor who shall, within 10 days of his receipt of the grievance, file a written answer to the grievance with the Town Clerk.

**STEP 4.** Upon receipt of the written grievance and answer, the Town Clerk shall deliver the grievance and answer to the Mayor. Within fifteen (15) days after he has received the grievance and answer, the Mayor shall schedule a hearing to consider the grievance and answer. The Mayor shall give written notice to the employee and his/her supervisor of the time, date and place of the hearing and shall advise the employee that he/she may present evidence and/or testimony in support of his/her grievance, and that he/she may cross-examine witnesses called by or for the Town. Failure of an employee having a grievance to appear at the hearing will be cause for dismissal of the grievance.

**STEP 5.** Within seven (7) days following completion of the Hearing the Mayor shall render a final decision on the grievance. The decision shall either:

(a) Dismiss the grievance in the event the employee has failed to adhere to the time limitations set forth above; or

(b) Deny the grievance in whole or in part; or

(c) Sustain the grievance, in whole or in part, and determine what, if any, corrective action should be taken.

**SECTION 4. PROTECTION.**

No employee shall be disciplined or discriminated against in any way because of his proper use of the grievance procedure, as defined under Section 3 of Article VIII.

## **ARTICLE VIII. DISCIPLINE AND DISCIPLINARY PROCEDURES**

### **SECTION 1. GENERAL DUTY OF EMPLOYEE.**

It shall be the duty of each employee to maintain high standards of conduct, cooperation, efficiency, economy and performance in work for the Town.

### **SECTION 2. DISCIPLINE POLICY.**

Generally. The tenure of every employee shall be conditioned on the satisfactory conduct of the employee and continued satisfactory performance of assigned duties and responsibilities. An employee who has completed his/her probationary period may be dismissed, demoted, suspended, or reprimanded for cause or for any reason deemed to be in the Town's best interest.

### **SECTION 3. CAUSES FOR DISCIPLINARY ACTION.**

The following are examples of causes that shall be sufficient cause for reprimand, suspension, demotion, or dismissal:

- (A) Conviction of a felony or other crime involving moral turpitude.
- (B) Incompetency or inefficiency.
- (C) Unsatisfactory work performance.
- (D) Absent without leave.
- (E) Failure or refusal to carry out instructions.
- (F) Neglect of duty.
- (G) Incapacity due to mental or physical disability.
- (H) Unsatisfactory record of tardiness and/or absenteeism.
- (I) Insubordination and/or disregard of orders.



(J) Falsification of any information required by a supervisor or the Town.

(K) Failure to properly and/or promptly report accidents or personal injuries.

(L) Misappropriation, destruction, theft or conversion of public property.

(M) Neglect or carelessness resulting in damage to public property or to injury to another.

(N) Conviction during employment of misdemeanor and/or traffic offenses that affect the employee's ability to perform the job.

(O) Introduction, possession or use, on public property, in or on public equipment, and/or while at work of intoxicating liquors or controlled substances (drugs).

(P) Proceeding to or from work, presenting himself/herself for work, being present for work while under the influence of intoxicating liquor or controlled substances (drugs).

(Q) Use of public property while off-duty while under the influence of intoxicating liquor or controlled substances (drugs).

(R) Gambling on public property or while at work.

(S) Fighting or deliberately injuring another.

(T) Rude or disrespectful conduct directed toward a member of the public or co-workers.

(U) Waste of public supplies or equipment.

(V) Disorderly or immoral conduct.

(W) Conduct unbecoming an employee in-the public service.

(X) Use of public property or equipment on private property for personal gain.

(Y) Any reason deemed to be in the best interest of the town.

(Z) Testing positive on a drug and alcohol test.

(AA) Failure to sign a drug and alcohol testing consent form.

(BB) Failure to cooperate in any drug and alcohol testing procedure.

#### **SECTION 4. TYPES OF DISCIPLINARY ACTION.**

The following disciplinary actions may be implemented by the Mayor:

(A) Reprimand. An employee may be reprimanded for cause. In such event, the reprimand will be reduced to writing and a copy shall be placed in the employee's personnel file. A reprimand is subject to the grievance procedure set forth in Article VIII, Section 3, but is not otherwise appealable.

(B) Suspension for Three Days or Less. A employee may be suspended without pay for up to three (3) days for cause. In such event, the employee shall be given written notice of the suspension together with the reasons therefore. A suspension of up to three (3) days is subject to the grievance procedure set forth in Article VIII, Section 3, but is not otherwise appealable.

(C) Suspension of more than three (3) days. An employee may be suspended without pay for a period ranging between four (4) and thirty- (30) days for cause. In such event, the procedure set forth below in Section 5 shall be followed, and any such suspension shall not be subject to the grievance procedure set forth in Article VIII, Section 3.

(D) Demotion. An employee may be demoted from his/her existing position for cause. In such event, the procedure set forth below in Section 5 shall be followed, and any such demotion shall not be subject to the grievance procedure set forth in Article VIII, Section 3.

#### **SECTION 5. PROCEDURE APPLICABLE TO SUSPENSIONS OF MORE THAN THREE (3) DAYS, TO DEMOTION, AND TO DISMISSALS.**

The following procedure shall be followed when the Mayor proposes to suspend an employee without pay for more than three (3) days, or to demote an employee, or to dismiss an employee.

(A) Determination Procedure.

(1) Written notice setting out specific charges and the possibility of disciplinary action shall be served on the employee prior to disciplinary action being taken. Such written notice shall advise the employee:

(a) that a Determination Hearing will be held and the date, time and place of such hearing.

(b) that the Determination Hearing will be held to consider the charges against the employee and the possibility of disciplinary action being taken against the employee.

(c) that at the Determination Hearing the employee may be accompanied by anyone of his choosing and will be afforded the opportunity to respond to the charges orally or in writing.

(2) The Determination Hearing shall be conducted by the Mayor within five (5) working days after the employee has received the written notice setting forth the charges against him/her and the possibility of disciplinary action. At such hearing the evidence against the employee shall be explained and the employee shall be afforded opportunity to respond orally or in writing.

(3) The Mayor shall issue his/her decision within three (3) working days of conclusion of the hearing. Such decision shall be promptly delivered to the employee and shall advise the employee:

(a) of the decision;

(b) of the date on which the discipline to be imposed, if any, is to become effective; and

(c) If the decision is to suspend the employee without pay for more than three (3) days, to demote the employee, or to dismiss the employee, that the employee has a right to appeal such action, that such appeal must be made in writing and must be delivered to the Town Clerk within five (5) working days of the employee's receipt of the decision, and that if written notice of appeal is not received within five (5) working days of the employee's receipt of the decision, all rights to appeal are extinguished.

(4) An employee may waive his/her right to a Determination Hearing either by delivering a written waiver to the Mayor or to

the Department Head or his/her designated representative who proposed to take disciplinary action or by failing to appear for the Determination Hearing. Waiver of the Determination Hearing shall be considered an admission that the charges against the employee are correct. In the event of waiver, the Mayor shall render his/her decision within five (5) working days of the date on which the Determination was set.

(B) Appeal to Town Council Panel.

In the event that the decision following a Determination hearing is to suspend an employee for more than three (3) days, to demote an employee, or to dismiss an employee, the employee may appeal such decision to the Town Council. Such Appeal shall be subject to the following requirements and procedures:

(1) Any appeal from the decision following a Determination Hearing must be in writing and must be delivered to the Town Clerk within five (5) working days of the employee's receipt of the decision. In the event written notice of appeal by the employee is not received within five (5) working days of the employee's receipt of the decision, the decision shall be final and shall not be subject to further review.

(2) Upon receipt of timely notice of appeal by an employee, the Town Clerk shall within five (5) working days schedule the date for a hearing to be conducted by the Town Council. The date for commencement of such Hearing shall be within fifteen (15) days of receipt by the Town Clerk of the employee's timely notice of appeal. Notice of the date, time and place for such hearing shall be delivered to the employee and his/her Department Head.

(3) The Hearing shall be conducted by the Town Council for the purpose of reviewing the decision and considering such evidence as may be offered in connection with such decision and the charge against the employee, at such hearing, the employee shall:

(a) have the right to appear on his own behalf and/or to be represented by counsel of his/her own choosing;

(b) have the right to call witnesses to testify on his/her own behalf;

(c) have the right to cross-examine witnesses testifying against him/her;

(d) have the right to refuse to testify but he/she may be cross-examined if he chooses to testify;

(4) The Town Council shall have the power to issue subpoenas compelling the attendance and testimony of witnesses and the production of documents or other papers. Failure to comply with a subpoena issued by the Town Council shall be punishable by a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00).

(5) Failure of the employee to appear at a Hearing before the Personnel Advisory Panel shall result in a dismissal of the appeal. In that event, the decision that was appealed from shall be final and binding.

(6) Within seven (7) working days following conclusion of the Hearing, the Town Council shall issue a written recommendation to the Mayor. The Town Council may recommend that:

(a) the decision appealed from be affirmed and ratified; or

(b) the decision appealed from be rescinded; or

(c) the decision appealed from be modified, and may recommend that the disciplinary penalty imposed be modified, increased, or decreased.

(7) Within fourteen (14) working days of his receipt of the recommendation from the Town Council, the Mayor shall issue a written decision that shall be final and binding on the employee and the Town.

(8) In any case in which the Mayor has been the person who has proposed to take disciplinary action and/or who has acted as the deciding official at the Determination Hearing, the Mayor may, in his discretion, appoint a member of the Town Council as his designee to receive and act upon the recommendation of the Town Council in which event the decision of such designee shall be final and binding.

(9) The final decision of the Mayor or his designee shall be promptly reported by the Town Council to the employee.

**SECTION 6. SUSPENSION WITH PAY PENDING DETERMINATION OF DISCIPLINE.**

Whenever, in the discretion of the Mayor, or an employee's Department Head or his/her designated representative, it is necessary or desirable that an employee be removed from the Town's active service pending a determination of possible disciplinary action, the employee may be suspended with pay until a Determination Hearing has been held and a determination of discipline has been made, or if no Determination Hearing is required or if such Hearing is waived, until a determination of discipline has been made.

**SECTION 7. PROBATIONARY EMPLOYEE.**

Any probationary employee may be suspended or removed at any time by the Mayor. Probationary, temporary, seasonal or part-time employees shall not have the right of appeal from such action.

**SECTION 8. OPERATORS OF TOWN-OWNED MOTOR VEHICLES.**

(A) It shall be the responsibility of the department head to prevent the operation of any Town-owned motor vehicle by an employee not covered by the Town's insurance program.

(B) A record of any accident involving a Town vehicle shall be placed in the personnel file of the employee operating the vehicle, whether or not the accident is judged to the fault of the employee.

(C) Employees must maintain a driving record which meets standards required by the Town's automobile insurance carrier.

(D) Employees are prohibited from using Town-owned vehicles for personal use without prior authorization. Personal use includes, but not limited to, transporting family members and friends in a town vehicle, conducting personal business, utilizing a town vehicle which is not in the realm of the employee's job duties.

(E) Unauthorized use of town-owned motor vehicles can consequently be basis for the town insurance company's refusal to represent if an incident resulting in injuries or damages occurs.



## ARTICLE IX. POLITICAL ACTIVITY

### SECTION 1. POLITICAL LIMITATIONS.

The following provisions, including those included in Section 608, Act 819 of the 1977 session of the Alabama Legislature, apply to all political activity of employees and officials of the Town:

(A) No officer, agent or employee of the Town, other than persons subject to popular election shall become a candidate for election or appointment to elective office, except that any person who wishes to do so may apply for leave of absence.

(B) No person in the employment of the Town, whether classified or unclassified, shall be denied the right to participate in county and state political activities to the same extent as any other citizen of the State of Alabama, including endorsing candidates and contributing to campaigns of his/her choosing.

### SECTION 2. AFFILIATION.

(A) All persons in the employment of any Town or County shall have the right to join local political clubs and organizations, and state or national political parties.

(B) All persons in the employment of any Town or County shall have the right to publicly support issues of public welfare, circulate petitions calling for or in support of referendums, and contribute freely to those of his/her choosing.

### SECTION 3. POLITICAL PRESSURE.

No person shall attempt to use his/her official authority or position for the purpose of influencing the vote or political action of any person. Any person who violates this section of this article shall be guilty of a felony (under State law, Section 608, [Act 819 of the 1977 session of the Alabama Legislature]), punishable by a fine not exceeding ten thousand dollars (\$10,000.00) or imprisonment in the state penitentiary for a period not to exceed two (2) years, or both.



**ARTICLE X. OUTSIDE EMPLOYMENT**

**SECTION 1. FULL-TIME EMPLOYEE PRIOR NOTIFICATION TO DEPARTMENT HEAD.**

No full-time employee in the classified service shall accept outside employment, whether part-time, temporary or permanent, without prior notification to his/her department head. Each change in outside employment shall require separate notification. Approval shall not be granted when outside employment conflicts or interferes, or is likely to conflict or interfere with the employee's public service. Employees may not engage in any private business or activity while on duty. No employee shall engage in or accept private employment or render any service for private interest when such employment or service is incompatible or creates a conflict of interest with his/her official duties.

## **ARTICLE XI. MISCELLANEOUS**

### **SECTION 1. ATTENDANCE AND PUNCTUALITY.**

Each employee is expected to be on duty at the time prescribed by his particular department or division. If an employee is to be absent for a valid reason (sickness, funeral, etc.), it is the employee's responsibility to notify his/her supervisor of such intended absence prior to his/her normal reporting time.

### **SECTION 2. DRESS AND APPEARANCE.**

The rules and regulations governing hair and personal appearance styles in the Clayton Town Departments are expected to be complied within a spirit of cooperation by all members. It is emphasized that the primary responsibility for conformity to proper appearance lies with the individual employee. To shirk or disregard this responsibility shall subject the employee to disciplinary action.

There shall be no hairstyle allowed that would prevent the proper fitting of any uniform items, and in no way shall the style interfere with the proper wearing and fitting of safety equipment. (Grooming and neatness shall prevail for all hairstyles, mustaches, and sideburns).

Each successor appointment shall be for a full term of three (3) years.

**ARTICLE XII. PROCEDURE TO EFFECT A DISCIPLINARY TERMINATION  
OF A NONCLASSIFIED SERVICE EMPLOYEE OR TOWN OFFICIAL**

**SECTION 1. REMOVAL OF MUNICIPAL OFFICER, NON-CLASSIFIED  
EMPLOYEES.**

The Town Council may remove, by a two-thirds (2/3) vote of all those elected to the Council, any such person for incompetency, malfeasance, misfeasance or nonfeasance in office and for conduct detrimental to good order or discipline, including habitual neglect of duty, or for any other reason deemed appropriate by the Town Council.

**ARTICLE XIII. PROHIBITING DISCRIMINATION AND  
SEXUAL HARASSMENT**

**SECTION 1. PURPOSE**

(A) To state the Town of Clayton's policy prohibiting discrimination and prohibiting sexual harassment;

(B) To specifically address sexual harassment, by defining what it is, by assisting employees in identifying sexual harassment, by listing types of sexual harassment and some concrete examples, by describing who can be involved in sexual harassment, and by providing employees a procedure by which they can complain of sexual harassment and have their complaints investigated and resolved; and

(C) To encourage any employee who believes that he or she is a victim of sexual harassment to come forward and voice their complaint to their superiors, so that the City can act to end any sexual harassment.

**SECTION 2. TOWN POLICY GOVERNING DISCRIMINATION**

It is the policy of the Town of Clayton, and all departments thereof, to provide equal employment opportunity and equal treatment to all employees in all aspects of employment without regard to race, color, religion, sex (including pregnancy), age (40 or over), national origin, or physical or mental disability (of an otherwise qualified individual.)

**SECTION 3. TOWN POLICY REGARDING SEXUAL HARASSMENT**

It is the policy of the Town of Clayton, and all departments thereof, to prevent sexual harassment and to guard against any occurrence that remotely resembles this illegal act. Sexual harassment lowers morale and is damaging to the work environment. Therefore, the Town will treat sexual harassment like any other form of employee misconduct-it will not be tolerated.

#### **SECTION 4. SEXUAL HARASSMENT DEFINED**

"Sexual Harassment" is defined as unwelcome sexual advances, requests for sexual favors, and other verbal, visual, written or physical conduct of a sexual nature when:

(A) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or ; and, if unwelcome, invitations for lunch, dinner, drinks, or dates.

(B) Submission to or rejection of such conduct by any individual is used as the basis for employment decisions affecting and individual; or

(C) The purpose or effect of such conduct is to substantially interfere with the individual's work performance or to create a hostile or abusive work environment.

#### **SECTION 5. IDENTIFICATION OF SEXUAL HARASSMENT**

Sexual harassment may occur in a variety of forms. Four categories of sexual harassment and some concrete examples of conduct that may constitute sexual harassment, if unwelcome, are:

(A) VERBAL-unwelcome words of a sexual nature directed at another, including: making sexual demands or sexual propositions; sexual innuendoes; demeaning sexual jokes; references to a person's anatomy; catcalls; whistles; demeaning name-calling; remarks on the intimate details of one's life or sexual likes or preferences (B) VISUAL-unwelcome exposure to visual objects such as: pictures, photos, drawings, cartoons, magazine, objects, or posters (including poster calendars); sexually obscene gestures or obvious staring; and, nudity.

(C) WRITTEN-notes or letters of sexual content or propositions; sexually- explicit literature, poems, or magazine articles; and obscene words, phrases or graphics on walls, bulletin boards, or posters.

(D) PHYSICAL-unwelcome physical contact with another, including: touching, hugging, kissing, patting, fondling, grabbing, rubbing, pinching, and in some instances close physical positioning.

This list does not include all the possible behavior which could be viewed as sexually harassing by the Town and which could result in job discipline. It is merely a list of offensive behaviors. Other behavior might be viewed as being sexually harassing depending on the circumstances and frequency in which they occur. Plus, some of the behavior on the list might not in all circumstances be sexually harassing, such as when they are not unwelcome.

Employees are reminded, however, that certain behaviors may be inappropriate for other reasons, even if the behavior is not sexually harassing. For example, intimate behavior at work, such as kissing and hand-holding with a willing partner, is always unprofessional. The Town wishes its employees to err on the safe side.

#### **SECTION 6. WHO CAN BE INVOLVED IN SEXUAL HARASSMENT**

Sexual harassment can occur in a wide variety of circumstances and may encompass many variables. It is important to realize that:

- \* Victims can be of either gender (male or female);
- \* Harassers can be of either gender (male or female);
- \* Harassers may be supervisors of victims, but harassers may also be co-workers or even non-employees;
- \* Harassers and victims need not be of the opposite gender, if the conduct is still based upon sex;
- \* Victims may be third-party observers, affected by the behavior of others and exposed to a hostile or abusive atmosphere based upon sex;
- \* Victims need not suffer any financial loss;
- \* The sexual harassment need not seriously affect a victim's psychological well-being or lead the victim to suffer injury; instead, conduct or an environment based upon sex that a reasonable person would and does believe to be hostile or abusive constitutes sexual harassment.

#### **SECTION 7. IF YOU ARE SUBJECTED TO SEXUAL HARASSMENT, REGISTER A COMPLAINT WITH YOUR SUPERIORS.**

Any employee of the Town who feels they have been subjected to sexual harassment should register a complaint with their immediate superior. However, if it is their immediate superior who is the alleged harasser, the employee should register their complaint with the superior next in charge. In the unlikely event that all of the supervisors over the employee are believed to be involved in the sexual harassment, the employee should register their complaint with the Mayor. Likewise, if an employee believes that the Mayor is involved in the sexual harassment, the complaint should be made to any Department-level supervisor.

The sexual harassment complaint may initially be made verbally, by talking to the appropriate supervisor. The complaint will then have to be put in writing and signed and dated by the person complaining. An employee may write his/her own complaint, or, if you wish, the supervisor with whom you spoke will help you write up your complaint of sexual harassment.

To the extent practicable, a complaint of sexual harassment will be kept confidential, with due regard to the sensitive nature of such complaints.

#### **SECTION 8. PROMPT INVESTIGATION OF COMPLAINT**

The Town shall fully, impartially and promptly investigate any sexual harassment complaint filed by one of its employees. A specially trained investigator will be in charge of these investigations to ensure a thorough investigation and to assist in maintaining confidentiality of the matter to the fullest extent practicable.

#### **SECTION 9. CONFIDENTIAL REPORT OF INVESTIGATION**

The special investigator will timely file a confidential written report of the result of the investigation to either an impartial supervisor of the complainant or to the Mayor, depending on the situation at hand. Also, the complainant will be promptly informed of the results of the investigation. If the investigation reveals that the accused harasser acted in a manner to sexually harass the complainant, the accused employee will also receive a copy of the special investigator's report.

#### **SECTION 10. PROMPT REMEDIAL ACTION**



The Town will take prompt action to end any sexual harassment. Following a report by the special investigator (that) sexual harassment in fact occurred, the City shall take immediate steps to discipline the offending employee or employees, including if appropriate immediate discharge.

Any Town employee who acts in a manner to sexually harass any other Town employee is acting outside the line and scope of their employment with the Town.

#### **SECTION 11. RIGHT OF REBUTTAL**

Both the complaining employee and the employee who has been accused of sexual harassment have the right to submit facts, documents or other evidence contesting the report of the investigator, to a higher supervisor, or the Mayor, if the circumstances so dictate.

#### **SECTION 12. RETALIATION PROHIBITED**

No employee of the Town shall discharge or otherwise discriminate or harass any other Town employee who has filed a complaint of sexual harassment under this policy or who has sought redress for sexual harassment with the Equal Employment Opportunity Commission or by instituting an action in Court.

#### **SECTION 13. NOTICE**

The Town shall take all appropriate steps to inform all employees of the Town of the contents of this policy.

The Town of Clayton encourages employees to come forward if you have any employee who asserts a sexual harassment complaint. Remember, if you do not make your complaint known to your superiors, there will not be any opportunity for the Town to assist you in ending the sexual harassment.

## APPENDIX 1. TRAVEL EXPENSES

### SECTION 1. REIMBURSEMENT FOR TRAVEL.

Reimbursement for travel costs, including transportation, food and lodging, incurred by personnel in the performance of their official duties while away from their regular place of duty, shall be limited to the following schedule:

#### (A) TRANSPORTATION:

(1) For reimbursement for the actual costs of air fares, not to exceed cost of accommodations that are less than first class unless only first class is available, together with ground transportation by the most feasible economical means from the airport to the hotel and meeting facilities.

(2) For the use of privately owned vehicles, mileage at a rate not to exceed the rate generally accepted and set by the Federal Government for governmental employees.

The following general provisions apply:

Lodging Cost - Per diem allowances for lodging will be paid at the cost of lodging incurred during an official trip. Employees are encouraged to seek the governmental rate normally provided for by the majority of lodging establishments throughout the country. Lodging cost will not include tips, valet parking, room service, in room movies, calls for hotel reservation, etc., but are restricted to the actual room cost plus any applicable tax. All claims for lodging must be supported by either appropriate certification by the traveler including identification of the place of lodging on the travel voucher or by receipts submitted from the lodging establishment.

The Mayor may authorize greater lodging and per diem rates for travel to high cost areas, provided that the higher costs are documented by receipts and sworn vouchers.

**SECTION 2. ORDINANCE PROVISIONS.**

The provisions of this ordinance are severable. If any part of the ordinance is declared invalid or unconstitutional, such declaration shall not affect the part that remains.

**SECTION 3. REPEALED ORDINANCES.**

All ordinances or parts thereof which conflict with this ordinance are hereby repealed.

**SECTION 4. EFFECTIVE DATES.**

This ordinance shall become effective immediately upon its passage and approval by the Mayor, or upon its otherwise becoming a law.

ADOPTED AND APPROVED this 3<sup>rd</sup> day of December 2001.

TOWN OF CLAYTON, ALABAMA,,  
A MUNICIPAL CORPORATION

\_\_\_\_\_  
REBECCA BEASLEY, MAYOR

ATTEST:

\_\_\_\_\_  
THOMAS K. KILLINSWORTH, TOWN CLERK

APPENDIX 2. TOWN OF CLAYTON DRUG POLICY

## Town of Clayton

P.O. Box 385  
Clayton, AL 36016  
Phone: (334) 775-9176  
Fax: (334) 775-8423

Under regulation of the U.S. Department of Transportation (DOT)  
*And the Alabama Drug-Free Workplace Act*

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### DRUG AND ALCOHOL TESTING PROGRAM POLICY AND PROCEDURES MANUAL

For employees subject to DOT regulations,  
safety-sensitive employees,  
and all other covered employees

Effective Date: 9/10/2001

Designated Employer Representative (DER): Town Clerk  
Alternate DER: Assistant Town Clerk

MRO: Dr. Robert Gilliam

Contents:     Manual Table of Contents  
                 Letter to Applicants and Employees  
                 Policy Statement  
                 Drug Education Information  
                 Substance Abuse Professionals  
                 Drug and Alcohol Testing Manual  
                 Toolkit Forms Index  
                 Copyright and Trademark

## MANUAL TABLE OF CONTENTS

### Letter to Applicants and Employees

#### Policy Statement

##### Paragraph

1. Department of Transportation Regulations
2. Commercial Drivers' Licenses
3. Adverse Personnel Action--DOT
4. Adverse Personnel Action--State law
5. Applicable Federal Regulations
6. Applicable State or Local Laws or Regulations
7. Town Reserves Right to Conduct non-DOT Drug and Alcohol Testing
8. Workers' Compensation disqualifications
9. Unemployment Compensation disqualifications
10. Identification of the Professional Resources Involved in the Town's Drug and Alcohol Testing Program  
Policy and Procedures Manual, Drugs Tested For, Opportunity to Retest, Opportunity to Rebut,  
Confidentiality and Investigation/Searches
11. Drug/Alcohol Testing

#### **Drug and Alcohol Testing Manual**

12. Definitions
13. Prohibition on Drugs
14. Prohibition on Alcohol
15. Off-Duty Conduct
16. Prescription Drugs
17. Investigation/Searches
18. Discipline
19. Employee Responsibility for Drug and Alcohol Testing
20. Testing of Applicants and Transfers
21. Employee testing
22. Reasonable suspicion testing
23. Post-accident testing
24. Follow-up testing after SAP/EAP/rehab program
25. Recertification Physical Examinations
26. Stand Down Policy (Proposed)
27. Supervisor and Employee EAP Education and Training Program
28. Employee Benefits Program
29. Enforcement
30. Record Keeping/Confidentiality of Test Results
31. General

Town of Clayton  
P.O. Box 385  
Clayton, AL 36016

### LETTER TO APPLICANTS AND EMPLOYEES

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those who work around them. Every employee and applicant should understand those dangers and be aware of the Federal requirements and state guidelines concerning substance abuse in the workplace. Town of Clayton is committed to creating and maintaining a workplace free of substance abuse.

To answer this problem, Town of Clayton (hereinafter also referred to as "the Town") has developed a policy in conformity with 49 CFR Part 40 and applicable U.S. Department of Transportation (DOT) testing regulations regarding the illegal use of drugs and the abuse of alcohol that we believe best serves the interests of our employees.

Our policy formally and clearly states the illegal use of drugs or abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining our policy, we have implemented, as of 9/10/2001, pre-employment and active employee drug testing as outlined in our Drug and Alcohol Testing Manual.

Employees whose job duties require them to possess a valid Commercial Drivers License (CDL) are subject to the DOT testing regulations and *Town Policy*, and will be placed in a separate random testing pool containing only DOT-covered employees for purposes of DOT compliance. *Employees whose job duties do not fall within the applicable DOT regulations are by this policy made subject to this Town's drug-free workplace guidelines and Town Policy, and will be placed in separate testing pools containing only non-DOT-covered employees for purposes of this Town's substantial compliance with those guidelines. With regard to those employees covered by DOT regulations, federal regulations shall be considered as preempting any inconsistent state or local laws or regulations. Elected and Appointed Officials of Town of Clayton, who are not otherwise classified as employees of the Town, are not subject to this policy.*

This policy was designed with three basic objectives in mind: (1) employees deserve a work environment that is free from the effects of drugs and the problems associated with their use; (2) this Town has a responsibility to maintain a healthy and safe workplace; and (3) to reduce the risk of property damage or injury to the general public.

An employee whose conduct violates this substance abuse policy will be subject to discipline *up to and including termination.*

We believe that the benefits derived from the policy objectives outweigh the potential inconvenience to employees, and we earnestly solicit the understanding and cooperation of all employees in implementing this policy.

Effective Date: 9/10/2001

Town of Clayton  
P.O. Box 385  
Clayton, AL 36016

## Policy Statement

Practical experience and research have proven that even small quantities of illegal drugs, narcotics, abused prescription drugs, or alcohol can impair judgment and reflexes. Even when not readily apparent, this impairment can have serious results, particularly for employees operating vehicles or potentially dangerous equipment, or making decisions, or handling sensitive information or valuables. Drug-using employees are a serious threat to their employer, their co-workers, and themselves, and may make costly errors.

Consequently, Town of Clayton has a compelling interest in providing a safe work environment and fostering the safety and health of its employees. That commitment is jeopardized when any employee illegally uses drugs on the job, comes to work under the influence, or possesses, distributes or sells drugs in the workplace, or abuses alcohol on the job. Therefore, the Town has established a testing policy which is intended to reduce problems of accidents, absenteeism, tardiness, carelessness, and other unsatisfactory matters related to job performance; reduce the potential for accidental personal injury and/or damage to customers, the general public, visitors, or property; reduce the likelihood that Town property will be used for illicit drug activities; and protect the reputation of the Town and its employees within the community.

Within this Drug and Alcohol Testing Program Policy Statement, certain elements are required because the Town is regulated by the U.S. Department of Transportation (DOT). This Policy Statement will cross reference to sections of 49 CFR Part 40 (hereinafter "40.\*\*"), a copy of which regulations the Designated Employer Representative (DER) will have and which can be viewed at [www.dot.gov/ost/dapc/](http://www.dot.gov/ost/dapc/) or [www.part40.com](http://www.part40.com). DOT-required elements are printed in normal typeface. *In addition, certain policy elements, mostly related to specific personnel actions or this Town's drug-free workplace regulations or Town Policy, reflect requirements of the Town but are not required by DOT. These elements are printed in italic typeface, to differentiate them from DOT-required policy elements. With regard to those employees governed by DOT regulations, federal regulations shall be considered as preempting any inconsistent state or local law or regulation. Elected and Appointed Officials of Town of Clayton, who are not otherwise classified as employees of the Town, are not subject to this policy.*

*Beginning sixty (60) days after 9/10/2001, as a means of maintaining our Drug and Alcohol Testing Program and substantial compliance with state statutes, we will implement active employee substance testing as further described in this Policy Statement and Manual. Any existing policy or practices of the Town remain effective until implementation of this new Policy Statement and Manual. Pre-employment screening or testing is to begin immediately on all final applicants seeking safety-sensitive positions.*

The following is an overview of the terms and conditions of the Town's drug and alcohol policy, and for violation of which an employee is subject to discipline, up to and including termination:

- (1) **It is a violation** of Town policy for any employee to use, possess, manufacture, sell, trade, offer for sale, offer to buy, or make arrangements to distribute illegal drugs, or to otherwise engage in the illegal use of drugs while at work or on the Town's property.
- (2) **It is a violation** of Town policy for anyone to report to work under the influence of alcohol, or any illegal drugs.
- (3) **It is a violation** of Town policy for anyone to remain on duty that requires the operation of a motor vehicle or other hazardous equipment, or the performance of safety-sensitive job duties, while under the influence of illegal drugs or alcohol.
- (4) **It is a violation** of Town policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications.) *Such prescription drugs brought to work should remain in the original labeled container and show both the prescribing doctor's name and expiration date.*
- (5) **It is a violation** of Town policy to report to work or be at work, where the presence of prescribed or over-the-counter narcotics or drugs exceeds statutory limits in blood or urine, or the use of prescribed or



over-the-counter narcotics or drugs poses a risk to the safety of the employee, other persons, the general public or property or may render the employee temporarily medically unfit under applicable DOT agency regulations.

(6) **It is a violation** of Town policy to ingest hemp food products or coca food products. (Recent studies indicate that ingestion of hemp seed oil and hemp food products can result in a positive test for marijuana.) In accordance with 40.151, a Medical Review Officer (MRO) may not accept consumption or other use of hemp products, or coca teas, or medical marijuana as an excuse for a positive drug test.

(7) **It is a violation** of Town policy for on-call employees to use alcohol within four (4) hours before performing any safety-sensitive activity. The Town will provide an opportunity for each such on-call employee to acknowledge the use of alcohol at the time he/she is called to report for duty, and it is the employee's responsibility to inform his/her supervisor at the earliest possible time of any potential impairment from alcohol.

(8) **It is a violation** of Town policy to engage in the following conduct as defined and identified in 49 CFR Part 40 and this Policy:

- (i) Receiving a verified positive drug test [40.23(a)]
- (ii) Receiving a verified adulterated or substituted drug test [40.23(b)]
- (iii) Receiving an alcohol test result of 0.04 or higher [40.23(c)]
  - (iv) Failure to appear for a drug or alcohol test within the time directed by the DER but no longer than two (2) hours of being so ordered [40.61(a), 40.191(a)(1), 40.261(a)(1)]
  - (v) Refusal of an Alcohol or Drug Test
  - (vi) Refusal to provide the collector with requested information to be placed on the Custody and Control Form (CCF) [40.61]
  - (vii) Refusal to cooperate with the collector's directions to remove outer clothing [40.61(f)], leave personal belongings, empty pockets, wash hands [40.63], or other such directives of the collector [40.191(a)(8)]
  - (viii) Refusal to follow the collector's instructions to submit to an observed or monitored collection [40.63, 40.65, 40.67, 40.191(a)(4)]
  - (ix) Refusal to sign a CCF or initial tamper-evident bottle seals [40.71, 40.73]
  - (x) Submit, or attempt to submit, an adulterated, diluted or otherwise altered specimen, or substituting a specimen from another person [40.67]
  - (xi) Failure to remain at the testing site until the testing process is complete [40.191(a)(1), 40.261(a)(3)]
  - (xii) Failure to provide a urine specimen [40.191(a)(3) & (a)(5)] or fail to attempt to provide a saliva or breath specimen [40.261(a)(d)]
  - (xiii) Fail or decline to take a second test the DER or collector has directed [40.191(a)(6)]
  - (xiv) Fail to undergo a medical examination or evaluation, as directed by the MRO as part of a verification process, or as directed by the DER as part of the "shy bladder" procedures [40.191(a)(7)] or "shy lung" procedures [40.261(a)(5)]
- (xv) Behave in a confrontational way that disrupts the collection process is classified as refusal to test [40.191(a)(8)]
- (xvi) Fail to cooperate with any part of the alcohol testing process [40.261(a)(7)]

(9) **It is a violation** of Town policy to engage in illicit drug use, on or off duty.

(10) Adherence to the Town's policy on drugs and alcohol is a condition of employment for all employees. All employees will be required to sign the applicable acknowledgment form and to consent to this policy.

(11) *Employees must notify the Town of any conviction on drug-related charges within five (5) working days of such conviction in conformity with the Drug Free Workplace Act of 1988.*

(12) *The Town reserves the sole right to interpret all provisions of this policy and take all appropriate actions within its sole discretion and judgment under Town Policy.*

- (13) *Additionally, these rules may apply to any contractor used by the Town and to any employee of that contractor working on the premises or operating the equipment of the Town.*
- (14) *In addition, outside conduct of a substance abuse-related nature which affects an employee's work, or which reflects badly on the Town, is prohibited.*
- (15) *The Town under its own authority may conduct non-DOT tests on DOT covered employees, non-DOT employees, and applicants in conformity with applicable state or local laws or regulations.*

Engaging in any "violation" conduct as noted above will subject an employee to discipline, *up to and including termination.*

As a means of maintaining this Town's policy, we have implemented pre-employment and active employee drug testing as further described in this Drug and Alcohol Program Testing Program Policy and Procedures Manual. *Copies of this manual will be available for inspection by all final applicants and employees, and employees will participate in a regularly scheduled educational program on substance abuse and the Town's policies on substance abuse. All announcements for job positions to be filled will include notice of the Town's testing policy, and copies of this policy statement and manual will be kept in the office of the DER and made available during regular business hours for review by all prospective job applicants or current employees. Continuing notice of this policy is posted.*

It is the responsibility of the Town's supervisors to counsel employees whenever they see changes in performance or behavior that suggest an employee may have a dependence on or addiction to alcohol or other drugs. Although it is not the supervisor's job to diagnose personal problems, the supervisor should encourage such employees to seek help in overcoming the problem and advise them about available resources for such help. Everyone shares responsibility for maintaining a safe work environment, and co-workers should encourage anyone who has a drug problem to seek help.

The goal of this policy is to balance our respect for individuals with the need to maintain a safe, productive, and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment with the Town.

This policy is implemented to comply with the requirements of 49 CFR Part 40, other applicable DOT regulations, and the Alabama Drug-Free Workplace Act.

*In addition, this policy is implemented to substantially comply with Alabama state statutes pertaining to workers' compensation and/or unemployment benefits qualifications.*

*The Town reserves the right to alter, amend, or supplement the terms and conditions of this Drug and Alcohol Testing Program Policy and Procedures Manual to accommodate changes in current state and Federal regulations, insurance requirements, state or local laws and regulations, testing technologies, or circumstances which impact Town practices and policies or industry standards.*

#### **1. Department of Transportation Regulations**

The Town's policy requires that employees having a Commercial Driver's License (CDL) and participating in safety-sensitive driving, as well as those performing other safety-sensitive activities regulated by DOT, be subject to urine drug testing and breath alcohol testing.

This Drug and Alcohol Testing Program Policy and Procedures Manual is applicable to all employees of the Town who perform safety-sensitive activities regulated by the DOT. *Separate testing pools will be established for non-DOT regulated employees as previously described and may be further divided by safety-sensitive and non-safety-sensitive employees.*

This Drug and Alcohol Testing Program Policy Statement and Procedures Manual specifically notifies all employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited while on the job or on the Town's property. Further, this manual notifies employees in safety-sensitive positions that the use of a prohibited drug at any time, whether on duty or off duty, is forbidden. Additionally, the consumption of alcohol (whether as a beverage or in a medicinal formulation, and also to include methanol and isopropanol) is prohibited while performing a safety-sensitive activity or within four (4) hours before performing a safety-sensitive activity, or within eight (8) hours following an accident to which the employee's behavior may have contributed, or after having been notified to report to duty for any reason.

#### **2. Commercial Drivers' Licenses**

It is the policy of the Town that persons having a CDL and participating in driving are subject to drug testing and alcohol testing. The Omnibus Transportation Employee Testing Act of 1991 requires alcohol and drug testing of safety-sensitive employees in aviation, motor carriers, railroad, and mass transit industries. This policy is based upon said Act and the relevant federal regulations applicable to the Act. As a condition of employment, the Town reserves the right to require all employees having a CDL and participating in driving pursuant to their duties, or performing other safety-sensitive activities regulated by DOT, to submit at any time to drug and/or alcohol testing to determine the presence of prohibited substances.

### **3. Adverse Personnel Action—DOT**

The DOT Anti-Drug and Alcohol Misuse Prevention regulations do not provide authority for the Town to take an adverse personnel action against an employee based solely on the employee's behavior or appearance in the absence of a drug or alcohol test. This does not prohibit the Town within its authority independent of federal regulations from taking any adverse personnel action up to and including termination for any reason not otherwise prohibited.

### **4. Adverse Personnel Action—Alabama State law**

*While in substantial compliance with the Alabama statutes on a drug-free workplace, Code of Alabama (1975), §25-4-78, 25-5-51, 25-5-334, -335, and -338, et seq., as amended, the Town does not specifically derive authority from those statutes to take an adverse personnel action against an employee based solely on the employee's behavior or appearance in the absence of a drug or alcohol test. However, these provisions do not prohibit the Town within its authority independent of those statutes from taking any action otherwise consistent with law or any policy or regulation of the Town.*

### **5. Applicable Federal Regulations**

This policy was developed in conformance with the following federal rules and regulations:

- a. Department of Transportation, 49 CFR Part 40: Procedures for Workplace Drug and Alcohol Testing Programs, Final Rule (as it appeared in the Federal Register/Vol. 65 No. 244/Tuesday, December 19, 2000/Rules and Regulations.)
- b. Other applicable DOT regulations.

These regulations apply to Town of Clayton because the Town provides safety-sensitive activities regulated by the Department of Transportation (DOT).

### **6. Applicable State Regulations**

*This policy was developed for the Town's substantial compliance with the following Alabama statutes:*

- a. *Code of Alabama (1975), §25-4-78, et seq., Unemployment Compensation, Disqualifications for benefits, as amended; and*
- b. *Code of Alabama (1975), §25-5-51, et seq., Workers Compensation, Right to compensation for injuries or death; grounds for denial of compensation, as amended.*

*These Alabama statutes refer to and adopt the specific testing provisions as set out in Federal Rules CFR 49 Part 40.*

- c. *Code of Alabama (1975), §25-5-334, et seq., Industrial Relations and Labor, Workers' Compensation; Article 13, Drug-Free Workplace Program, which became effective October 1, 1995. Under this Article, the Alabama Department of Industrial Relations will issue to an employer upon approval of an application showing implementation of a drug and alcohol testing policy as described in the provisions of Title 25, Chapter 5, Article 13, a Certification of Drug-Free Workplace Premium Credit Program.*

*These regulations apply to Town of Clayton because the Town has elected to adopt the drug free workplace policy as specified by the provisions of Title 25, Chapter 5, Article 13, Code of Alabama (1975), as amended.*

### **7. Town Reserves Right to Conduct non-DOT Drug and Alcohol Testing**

*In addition to drug and alcohol testing conducted by Town of Clayton pursuant to 49 CFR Part 40, the Town reserves the right to screen and/or test employees under the Town's Drug Free Workplace Policy [Town Policy] including, but not limited to, laboratory testing and point of collection test (POCT) devices utilizing any and all types of alternative body specimens including urine, oral fluid (saliva), hair, blood or sweat for the detection of illegal drugs and/or alcohol as may be permitted by applicable state or local laws or regulations. These collections will be performed in addition to, and not as a substitute for, DOT regulated tests and these specimens will not be poured from or taken from the same specimen collected for a DOT urine test or alcohol test [40.13] and will not be conducted using DOT forms [40.47, 40.227].*

*For purposes of the Town's compliance with DOT testing requirements, such non-DOT tests will be considered as if no DOT test was conducted regardless of the result of such test(s). Such screening and/or testing will be conducted in conformity with the device manufacturer's recommendations and such non-DOT screen and/or test procedures may be used for pre-employment, random, reasonable suspicion, return to duty, follow-up and post-accident screening or testing. A non-negative, adulterated or substituted screening or testing result, or a refusal to submit to such screening or testing using such alternative specimens or point of collection device(s), constitutes grounds under the Drug Free Workplace Policy for the Town under its own authority to take disciplinary action against the employee, up to and including discharge, or finding of "unqualified for hire" if an applicant. While no DOT related consequences under DOT Agency Regulations arise based on the results of a non-DOT test(s) or refusal to submit to a non-DOT test [40.191], subsequent DOT testing may be conducted based on the results of the non-DOT screening and/or testing.*

*Any drug or alcohol screen/test performed outside of DOT guidelines is not subject to the DOT Employer Reporting requirements [40.25].*

#### **8. Workers' Compensation disqualifications**

*The Alabama Code (1975), §25-5-51, as amended, provides for employee drug and alcohol testing, in the event of a work-related injury or death, as a determinant of the employee's eligibility for workers' compensation benefits as to that accident. The Town has implemented this drug-free workplace program to be in substantial compliance with the provisions of that statute.*

*In accordance with this statute, injury or death of an employee of the Town of Clayton while on the job which results from willful misconduct or an accident where the injured employee is impaired will preclude that employee's entitlement to workers' compensation benefits. Willful misconduct is defined as the conscious or voluntary violation of an employer's prescribed rules and policies and violation of the policy shall be evidence of willful misconduct.*

*A confirmed positive test result for a controlled substance in accordance with the Department of Transportation regulations 49 CFR Part 40, as set forth in this manual, is a conclusive presumption of impairment. A confirmed positive alcohol test result which shows a BrAC of 0.04, as set forth in this manual, is a conclusive presumption of impairment.*

*Under the Alabama statute, the Town will not pay compensation and no compensation will be available to any employee for any injury or death which occurs while an employee is impaired as provided for under the laws of the State of Alabama.*

*In addition, no compensation will be paid or will be available to any employee who refuses to submit to either a drug or alcohol test after such a work accident, after the employee has been warned in writing that refusal would forfeit his or her right to workers' compensation benefits.*

#### **9. Unemployment Compensation disqualifications**

*The Alabama Code (1975), §25-4-78 as amended, provides for employee drug and alcohol testing as a determinant of the employee's eligibility for unemployment compensation benefits. The Town has implemented this drug-free workplace program to be in substantial compliance with that statute. In accordance with this statute, an employee is precluded from obtaining unemployment compensation benefits if he/she is:*

- a) terminated from employment after testing positive for drug or alcohol impairment or after being warned of the employer's drug and alcohol policy; OR*
- b) terminated from employment after a second positive test for drug or alcohol impairment, notwithstanding the employee's having been warned of the employer's drug and alcohol policy; OR*



- c) *terminated from employment after refusing to take a drug and/or alcohol test after being warned of the employer's drug and alcohol policy.*

*A confirmed positive test result for a controlled substance in accordance with the Department of Transportation regulations 49 CFR Part 40, as set forth in this manual, or other reliable testing procedure, is a conclusive presumption of impairment. A confirmed positive alcohol test result which shows a BrAC of 0.04, as set forth in this manual, is a conclusive presumption of impairment.*

*Under the Alabama statute, the Town will not pay compensation and no compensation will be available to any employee after the employee has been warned, in writing, by the provisions of this manual of both the terms of Town's workplace drug and alcohol policy and that a positive drug or alcohol test could result in his/her termination.*

*In addition, no compensation will be paid or will be available to any employee who refuses to submit to either a drug or alcohol test or who knowingly alters or adulterates any test sample or specimen, after the employee has been warned in writing that such actions would forfeit his/her right to unemployment benefits.*

###### **10. Identification of the Professional Resources Involved in the Town's Drug and Alcohol Testing Program Policy and Procedures Manual, Drugs Tested For, Opportunity to Retest, Opportunity to Rebut, Confidentiality and Investigation/Searches**

- a. **Medical Review Officer:** Dr. Robert Gilliam will verify all positive laboratory test results in accordance with procedures set forth in 49 CFR Part 40.
- b. **Designated Drug and Alcohol Testing Locations:** As designated by the Town of Clayton, the Medical Review Officer or C/TPA.
- c. **Substance Abuse Professional(s):** As may be available through an Employee Assistance Plan (EAP) or designated by the MRO or DER(s), or found on the Substance Abuse Professional Resources list attached.
- d. **Laboratory:** The Town's MRO, in conjunction with the Town's representative and/or the Town's DER, shall from time to time choose an appropriately SAMSHA/HHS certified testing laboratory(s) utilizing DOT cut-off levels to receive and analyze test specimens. Confirmation testing for a positive result will be in accordance with procedures set forth in 49 CFR Part 40. The DER will be aware of the identity of the Testing Laboratory.
- e. **Drugs Tested For:** The drugs for which tests are required under 49 CFR Part 40 and DOT agency regulations are marijuana, cocaine, amphetamines, phencyclidine (PCP), opiates, and alcohol. *Non-DOT screens and tests may include additional drugs and point of collection devices not otherwise restricted by state or local laws or regulations.*
- f. **Opportunity to Retest:** In accordance with procedures set forth in 49 CFR Part 40 for laboratory tests.
- g. **Opportunity to Rebut:** In accordance with procedures set forth in 49 CFR Part 40 for laboratory tests.
- h. **Confidentiality:** Information obtained by the DER is to be maintained in a confidential manner as provided for in this manual.
- i. **Investigation/Searches:** Where a supervisor has reasonable cause to suspect that an employee has violated this substance abuse policy, the Town reserves the right for a supervisor to inspect lockers, work areas, desks, cabinets, purses, bags, briefcases, tool boxes, or other belongings, and vehicles (including personal vehicles which an employee brings onto the Town's property), on the Town's property or at locations where work-related activities are being conducted, without prior notice, in order to ensure a work environment free of prohibited substances.

###### **11. Drug/Alcohol Testing**

Employees falling under DOT regulated classifications will be tested as provided for in the applicable regulations. Under the Town of Clayton's Policy, any final applicant or employee in a safety-sensitive position (see Section "G" below for definitions

and listing of safety-sensitive positions) may be requested to undergo drug/alcohol testing as set forth in this policy. The following are the five circumstances when the Town will screen or test for drugs or alcohol:

A. **Pre-employment**

Pre-employment substance screening or testing will be performed on all final applicants seeking DOT regulated and other safety-sensitive positions as a condition of their employment at the Town. Such screening or testing may be required as part of a fitness-for-duty physical exam for those safety-sensitive job positions that would require such an exam. Present employees who transfer into a safety-sensitive position with the Town may also be required to complete a pre-employment substance screen or test.

Applicants must sign a **Pre-Employment Substance Testing Consent and Confirmation Form [DFW02]**, before voluntarily submitting to initial screening or testing. The Town shall inform final applicants for safety-sensitive positions that any offer of employment is conditioned upon passing a substance screen or test.

*Any job offer will be withdrawn* if the applicant engages in conduct that would be classified as a "violation" of the Town's policy or refuses to execute the required consent form.

Applicants will also be provided with access to a copy of the Town's Policy. An applicant who decides not to cooperate in the pre-employment screening or testing or who is unwilling to acknowledge the Town's policy on drug and alcohol screening or testing may withdraw his/her application, and will not be considered for employment.

B. **Upon "reasonable suspicion"**

All employees will be screened or tested when there is good reason for a Town manager, supervisor, or personnel officer to suspect that an employee has reported to work or is on the Town's property under the influence of intoxicants, drugs or narcotics. Reasonable suspicion may be based on a supervisor's observation of an employee's drug or alcohol use, an employee showing either contemporaneous or long-term physical or mental symptoms of drug or alcohol use, or an employee's personal behavior that may indicate drug or alcohol use. Supervisors must immediately detail in writing on the **"Reasonable Suspicion Contemporaneous Observation Checklist" [DFW08]** or **"Reasonable Suspicion Long-Term Observation Checklist" [DFW09]** their specific reasons and observations for requiring an employee to undergo reasonable suspicion testing or screening. Any employee who reports to work visibly impaired by drugs or alcohol will not be allowed to work. If indicators of the need for a reasonable suspicion test are present, the employee will be screened or tested immediately.

C. **Post-accident**

*Employees in positions which are DOT regulated will be drug/alcohol tested in conformity with DOT requirements as described in Section 23 of this Manual. Safety-sensitive employees will be screened or tested after any work-related injury or accident where:*

- i) *an employee is injured beyond the need for simple first aid, or*
- ii) *property or vehicles are damaged (over \$200.00 estimated), or*
  - iii) *an employee has caused or contributed to an on-the-job injury which results in loss of work time, or*
- iv) *an injury that is a workers' compensation injury, or*
- v) *if there is reasonable suspicion of drug or alcohol use.*

*The Town's authority also allows for testing of DOT regulated employees under the circumstances noted above.*

*Non-safety sensitive employees will be screened or tested after any work-related injury or accident (as defined above) where a supervisor has a reasonable belief based on specific facts that the employee's acts or omissions contributed to the occurrence or severity of the accident as may be detailed on the "Confidential Work-Related Accident Form" [DFW21].*

*Employees are prohibited from using alcohol within eight (8) hours following an accident, until testing or initial screening is completed. Any test or screen for alcohol should be completed within two (2) hours of a work-related accident, or as soon thereafter as is practicable.*

*All employees are put on notice that a positive confirmed laboratory drug test following an on the job accident is evidence of "willful misconduct" under this policy and may disqualify the employee from receipt of workers' compensation benefits.*

**D. Fitness-for-duty physical exam**

Any DOT regulated or safety-sensitive employee whose job position requires him or her to undergo regular physical examinations will be screened as part of any such routine examination.

**E. Follow-up testing after returning to work**

*Follow-up testing after SAP/EAP/rehab program for DOT regulated employees is set forth in Section 23 of this manual. Any non-DOT employee who is referred to a drug or alcohol rehabilitation program through work, who was referred to a rehab program after testing positive in a confirmed lab test for drugs or alcohol, or who has been suspended from work for any other violation of the drug and alcohol policy, must complete follow-up screening or testing when he/she returns to work. The employee will also be subject to random and unannounced screening or testing for up to five (5) years.*

**F. Random screening or testing of safety-sensitive employees, without notice.**

As to non-DOT regulated employees, the frequency and safety-sensitive employee classifications subject to such screening and testing, shall be determined by the Town in accordance with safety-sensitive duty classifications and Alabama state laws and regulations.

**G. Safety sensitive job classifications**

All DOT regulated employees are considered safety-sensitive by regulation. *As to non-DOT employees, safety-sensitive employees are those employees who discharge duties so fraught with risks of injury to others that even a momentary lapse of attention can have disastrous consequences. Factors which have been considered in determining whether a position is safety sensitive include: positions that involve health or safety; functions that require a high degree of trust and confidence (mostly unsupervised responsibility for children); operation of Town vehicles, machinery, or equipment (the mishandling of which may place fellow employees or the general public at risk of serious injury, or the nature of which would create a security risk in the workplace); or the handling of hazardous material. Positions which have been found to be safety-sensitive include firefighters, emergency medical technicians, law enforcement officials who carry firearms, fire and police dispatchers, 911 operators, heavy machinery operators, bus drivers, some (but not all) transportation workers, pipeline operators, gas meter repairmen, jail officers, and airline industry personnel. Unless an employee comes under drug-testing regulations of some federal agency, each position must be individually evaluated to determine whether it is safety-sensitive. The Town has performed a review of the job duties for each job classification and determined that the following are classified as safety-sensitive: Chief of Police, Police Captain, Police Officer, Sanitation Department Drivers.*



**Drug Educational Information****Alcohol (Depressant)**

<b>Common Forms:</b>	Beer, wine, hard liquor
<b>How Used:</b>	Oral ingestion, patterns of use vary.
<b>Desired Effect:</b>	People drink to relax, to socialize, as a part of a religious ceremony, for the control of physical and emotional pain, or for a variety of other reasons. Its depression of the central nervous system is progressive and continuous. It is a mood-modifying drug that usually provides a temporary feeling of mild euphoria and stimulation. This is a result of the initial depression of the higher centers of the brain which control inhibition. The more you drink, the more sedated you then become.
<b>Time in body:</b>	Depends on many factors, such as body size, amount of alcohol consumed within an hour, and other individual factors. Performance is effected in relation to the amount consumed. Generally, a medium-sized person eliminates the equivalent of one drink per hour. However, "hangover" effects of alcohol have been documented for as long as 14 hours after consuming an intoxicating dose, well after the blood alcohol levels have returned to zero.
<b>Observable effects:</b>	Staggering gait Slurred speech Odor of alcoholic beverage Shaky hands Poor eye-hand coordination Slowed reaction time Eyes react slowly to light - wears sun glasses
<b>Work behavior:</b>	Arrive late, leave early, mis-outs Neglect of physical appearance Restlessness Tremors (hands, face, fingers, lips tongue) Slurred speech Uninhibited - makes inappropriate remarks
<b>Material Indicators:</b>	Empty liquor bottles, cans, often in paper bags Flasks, sometimes disguised as other things
<b>Slang Terms</b>	Booze, juice, hooch, grape, eye-opener, hair-of-the-dog, brew, suds, etc

**Amphetamines (Amphetamine and Methamphetamine)**  
**Stimulant**

<b>Common forms:</b>	Amphetamine - usually capsules or white, flat, double-scored pills. Methamphetamine - white or granular powder, often packaged in aluminum foil or plastic bags.
<b>How used:</b>	Orally, sniffed up the nose, or injected.
<b>Desired effects:</b>	Most commonly sought after effects include euphoria, postponement of fatigue, increased energy, alertness and feelings of personal power. Repeated or chronic use often causes a strong dependence reaction and a schizo-phrenic loss contact with reality. Users coming off the drug experience extreme fatigue-induced sleep ("crash"), often followed by continued fatigue and depression.
<b>Time in body:</b>	Injection or sniffed up the nose; "rush" felt within 1 minute. Orally, effects felt within about ½ hour. Single doses detectable for about 48 hours.
<b>Observable effects:</b>	Dilated pupils. Flushed face, rapid respiration, profuse sweating. Hyper-excitability, talkativeness, restlessness. "Stereotypic" behavior often seen: person engages in repetitive tasks or mannerisms for extended periods of time. In large doses, inability to concentrate, confusion, panic.
<b>Work behavior:</b>	Try to do job beyond competence level. Impaired ability to operate equipment. Takes chances, risks.
<b>Material Indicators:</b>	Pills, capsules, white powder, granular crystals Foil wrapped tubes, baggies. Hypodermics and paraphernalia for injections
<b>Slang terms:</b>	Defies, bennies, speed, crank, ice, crystal, white crosses, black beauties

**Cocaine - A Stimulant**

<b>Common forms:</b>	Cocaine - White crystalline powder. Free-base cocaine (crack) - white granular "rocks"
<b>How used:</b>	Cocaine--usually snorted up the nose through a straw or from a "coke spoon" after being chopped to a fine powder with a razor blade. "Crack" -- freebase cocaine--is a processed version which is vaporized in a pipe and inhaled. Either form may also be injected.
<b>Desired effect:</b>	Most commonly sought after effects are euphoria, stimulation, postponement of fatigue and feelings of personal power. The "high" lasts approximately one hour, with a "down" follow-on period. Psychological and physical dependence to "crack" after one to two uses; dependency to snorted coke takes longer to develop.
<b>Time in Body:</b>	Single doses detectable for 12-24 hours
<b>Observable effects:</b>	Dilated pupils. Talkativeness, restlessness. Sniffing, runny nose, irritated or bloody nose. Dramatic mood swings, from "down" to "up" in minutes. Sense of power sometimes manifested in aggressiveness
<b>Work issues:</b>	Frequent trips "to the restroom"--secluded place. Frequent sick-outs and unexplained absences. Hyper-excitability and over-reaction to stimulus. Isolation/withdrawal from friends and activities. Financial problems--borrows, steals and/or sells to support habit. Insomnia, restlessness, lack of sleep
<b>Material Indicators:</b>	Small folded paper envelopes (bindles), plastic bags, small vials used to store drug. Razor blades, mirrors, cut off straws, coke spoons. Small glass pipes, and heat sources used to volatilize crack.
<b>Slang terms:</b>	Coke, snow, toot, crack, blow, happy dust, "C"

**Marijuana**

<b>Common forms:</b>	Dried green-brown flowers and leaves of the hemp (cannabis) plant--also as compressed tar like lumps (hashish) and sometimes as an oil to be spread on cigarettes (hash oil).
<b>How used:</b>	Generally smoked in hand-rolled cigarettes (joints) or a small pipe, sometimes eaten in baked goods or steeped to make a tea.
<b>Desired effects:</b>	Effects are somewhat dependent on the user and potency of the plant. Low doses tend to produce a dreamy state of relaxation and euphoria with changes in sensory perceptions (usually intensified) and alteration in thought formation and expression. Higher doses intensify these reactions with fragmentation of thought, memory impairment, shortened attention span, and illusions of insight. Marijuana currently sold on the street is 10 times more potent today than in past years.
<b>Time in body:</b>	Marijuana dissolves in body fat cells and is detectable for extended periods of time--up to seven (7) days for occasional users and four (4) weeks or longer for chronic users
<b>Observable effects:</b>	Red bloodshot glassy eyes (users often wear dark glasses and use eye drops to combat). Poor muscular control. Rambling, disconnected speech patterns. Euphoria--as laughing out of context. Getting "hung up" - i.e. going into the bathroom to comb your hair and coming out two hours later. Distinctive odor in air and/or on clothing.
<b>Work issues:</b>	Lack of attention, vision and auditory changes, and poor muscular control. Inability to respond to emergencies and sudden situational changes. Frequent sick-outs and mis-outs. Lackadaisical "I don't care" attitude about person and work. Chronic health problems for frequent users--persistent cough, fatigue, frequent sickness.
<b>Material indicators:</b>	Baggies of green-brown vegetable matter; rolling papers; small pipes (for marijuana) and very small pipes (for hashish); "roach clips" to hold the burned end of the marijuana cigarette; "roaches" discarded on the floor or in ash trays; distinctive odor of marijuana in the air.
<b>Slang terms:</b>	Dope, grass, reefer, weed, ganja, pot, etc.

**Opiates (Morphine and Codeine)--Narcotic Depressants**

<b>Common forms:</b>	Street forms are pills, liquids and powders. Morphine is derived from opium. Opium dissolved in alcohol, containing 10% morphine, is legally available in many states as "paregoric."
	Morphine and codeine are widely used medicinally. Morphine is a naturally occurring alkaloid, and is also found in products containing poppy seeds. Heroin is a semi-synthetic derivative of morphine.
<b>How used:</b>	Opium is usually smoked. Codeine is most commonly taken orally. Heroin and morphine are injected; powders can be snorted; cigarettes can be dipped in paregoric and smoked.
<b>Desired effects:</b>	Most commonly effects include euphoria, relief from pain, and a feeling of dissociated well-being. Low maintenance doses allow the addict to function on a daily basis. The heroin user experiences a "rush" described as a very pleasurable whole body reaction lasting 5-10 minutes, followed by several hours of mental and physical relaxation.
<b>Time in body:</b>	Single doses are usually detectable for 48-72 hours.
<b>Observable effects:</b>	Pinpoint pupils. Sweating, nausea, vomiting in novice users. "Nodding off"--the head drooping toward the chest, then bobbing up. Overly calm, detached facial expression. Confusion, mental dullness and slurred speech. Needle marks over veins.
<b>Work issues:</b>	Increased sick-outs, mis-outs. Lack of interest in work, no attention to detail. Sharing of needles brings a high risk of contracting hepatitis and/or AIDS. High cost of the addiction may lead to borrowing money, stealing and selling (on or off the premises).
<b>Material indicators:</b>	Foil or paper "bindles" for holding the drug. Charred spoons or bottle caps, used to cook the drug. Multiple burned matches used to cook the drug. Needles, syringes, eye droppers used for injection. Balloons or prophylactics used to hold drug. Bloody tissue papers, blood on shirt sleeves.
<b>Slang terms:</b>	Heroin, dope, smack, shit, hard stuff, "H", china, monkey dust, china white, etc.

**Phencyclidine (PCP)**

<b>Common forms:</b>	Pills, liquid, powder, and PCP cigarettes
<b>How used:</b>	Usually smoked with tobacco or marijuana, but may be injected, swallowed, eaten or snorted.
<b>Desired effects:</b>	Users report desirable feelings of immobility, numbness, and detachment. Other sought-after effects include feelings of strength, power, and invulnerability, a dream-like detachment from reality (often coupled with lack of coordination).
<b>Time in body:</b>	Usually detectable 1- 8 days, but chronic users may test positive for several weeks following the last dose.
<b>Observable effects:</b>	Low doses: Sedated, euphoric, uncoordinated behavior. Wide mood swings. Sparse and purposeless speech. Muscle rigidity and jerky eye movements (nystagmus).
<b>High doses:</b>	Coma-like states with muscle rigidity and staring, half-closed eyes. Sudden stimuli may send the user into a psychotic state, with extreme agitation, violent behavior, abnormal strength, and inability to speak or comprehend.
<b>Work issues:</b>	Wide mood swings, unpredictable behavior, aggressive. Tremendous liability in the work force.
<b>Material indicators:</b>	Cigarettes that look as if they have been wet. Crystals, liquids or powders in small vials. Folded aluminum foil or paper packets.
<b>Slang terms:</b>	PCP, angel dust, hog, dust, DOA, shermans, sherms, peace pills, dummy, etc.

## Substance Abuse Professionals

### NATIONAL RESOURCES

A2Z Alcohol & Drug Abuse-Addiction.....	1-800-274-2042
Al-Anon/Alateen Family Group Headquarters .....	1-800-356-9996
Alcoholics Anonymous World Service.....	1-212-870-3400
American Council on Alcoholism Helpline .....	1-800-527-5344
800 Cocaine--An Information and Referral Hotline .....	1-800-262-2463
Nar-Anon Family Group Headquarters.....	1-310-547-5800
Narcotics Anonymous.....	1-818-773-9999
National Association of Alcoholism (NAADAC).....	1-800-548-0497
<a href="http://www.naadac.org">www.naadac.org</a> Fax: .....	1-800-377-1136
National Association of Addiction Treatment Professionals .....	1-717-581-1901
<a href="http://www.naatp.org">www.naatp.org</a>	
DRUGPROOF.....	1-800-541-4931
<a href="http://www.drugproof.com">www.drugproof.com</a>	
National Council on Alcoholism and Drug Dependence, Inc. ....	1-212-269-7797
<a href="http://www.ncadd.org">www.ncadd.org</a>	
Hope Line (24-hour affiliate referral) .....	1-800-NCA-CALL

### ALABAMA RESOURCES

Alcohol & Drug Abuse 24-hour help line and Treatment	1-800-888-9383
Alanon/Alateen	1-334-281-3861
Bradford-Parkside	1-800-333-1865
Drug Dependence Information & Referral Service	1-334-262-7401
Hill Crest Behavioral Health Services	1-800-239-5824
State of Alabama Department of Mental Health, Substance Abuse Services Division	1-334-242-3961

**APPENDIX 3. WORKMAN' S COMPENSATION**

**On-The-Job Accident Procedure**

November 8, 2000

TO: All Town of Clayton Employees

FROM: Rebecca Beasley  
Mayor

RE: On the job accidents

When an accident occurs involving a Town employee, the Town MUST know immediately for Worker's Compensation to be filed properly. The Town must file an accident report and an "Employer's First Report of Injury or Occupation Disease" report. These reports prevent employees from having to pay for medical services that are covered by Worker's Compensation.

If the accident is serious enough to require immediate medical attention, seek medical attention then report to Town Hall for an incident report and a first report to be submitted for Worker's Compensation.

If the accident is not serious enough that you do not need immediate attention report to Town Hall for the reports then seek medical attention.

Keep in mind; these reports are designed to protect you. If you should have any questions or concerns, please do not hesitate to contact Thomas Killingsworth or myself at Town Hall.

Thank you for your cooperation,

Rebecca Beasley  
Mayor

#### **APPENDIX 4. STREET & SANITATION EMPLOYEES**

##### **Town of Clayton Street and Sanitation Department Rules and Regulations**

###### **General**

Regular Work Hours	7 AM to 4PM	Employees' supervisor must be contact before 6 AM if the employee will be tardy or receiving a sick day.
Morning Break	9 AM to 9:15 AM	
Lunch Hour	12 Noon to 1 PM	Employees should report for lunch no earlier than 11:50 AM.
Afternoon Break	2 PM to 2:15 PM	

Employees may tend to personal business during these breaks only unless otherwise permitted by the supervisor.

Employees needing to be excused early or absent from work must make the supervisor aware of this need in advance, preferable the day before, so arrangements can be made in his/her absence.

###### **Inmates**

Each Town employee is responsible for inmates left in their custody. The following rules **MUST** be obeyed and followed closely. Employees found in violation of these rules may face disciplinary action.

1. All inmates must wear their standard issue whites and shoes at all times.
2. Inmates must wear shirts at all times.
3. When working outside, inmates must wear orange vests.
4. Inmates must wear proper safety equipment when operating mowers and trimmers.
5. When working the garbage truck, inmates must wear safety glasses when the garbage lift is active.
6. When riding vehicles, inmates will not sit on the sides or stand.
7. Inmates are never to drive any vehicles unless the Warden or Assistant Warden of Ventress Correctional grants prior approval.
8. No inmate may work on any personal vehicle.
9. Inmates are not to consume or be in the presence of alcohol or drugs.
10. Inmates are not allowed on private land at any time.
11. For no reason will an inmate be allowed to use the telephone.

12. Inmates will not have money in their possession at any time. If the Supervisor wants to buy a snack or soft drink, he/she must make the purchase. Inmates are not to be given money. Supervisors are not to hold money for inmates.
13. Inmates will communicate with their supervisors only, not the general public, and must stay in their assigned work area.
14. Use of profane or obscene language in the presence of inmates will not be tolerated.
15. Inmates cannot receive mail, packages or visits while working on community projects. Supervisors may not receive mail for inmates.
16. Supervisors will make visual contact with each inmate under his control at least once every fifteen (15) minutes.
17. Inmates are not allowed to enter businesses. The only exception is when the inmate is needed to carry supplies in or out of the store.

Any violation of these rules will be reported immediately to Ventress' Warden, Captain or Lieutenant at (334) 775-3331. If none of these is available ask to speak with a Shift Commander. Any Town employee found in violation of any of the inmate rules is subject to disciplinary action or dismissal.

If at any time a work supervisor has reason to believe that an inmate is missing or that an inmate has escaped, the supervisor will report this immediately to Ventress Communications at (334) 775-3331 and the officer in charge at Ventress will take what action is necessary.

#### **Tools and Equipment**

All tools must be checked out through the supervisor and checked in at the day's end. The employee who signs tools out is responsible for those tools and their safe return.

The condition of tools will be inspected when assigned and again when returned. Any employee caught intentionally destroying equipment will be subject to suspension and/or termination.

Keep in mind, it is every Town employee's responsibility to help keep Clayton clean. Pick up behind your self on Town premises and when working throughout Clayton.

#### **Town Vehicles**

As employees of the Town of Clayton we are all responsible for the safety of the inmates left to our assistance and the townspeople to whom we serve. Please always be safe in Town vehicles and try to be conscious of the following at all times:

1. ALWAYS be aware of the inmates and other street employees working on the street vehicles.
2. Know where they are in proximity to the vehicle at all times. DO NOT move a vehicle if all riders cannot be seen. Even if they give you a verbal "o.k.", it is not until you can see them. When in doubt, get out and check.
3. ALWAYS double check yourself if in doubt as to the location of an inmate or



street employee. When in doubt, get out and check.

4. ALWAYS look for children and others around the vehicle before moving. Be sure they are at a safe distance. When in doubt, get out and check.
5. Be Aware of riders in and on vehicles. DO NOT SPEED.
6. Talk daily with inmates about safety and be sure they remember to wear orange vests when working around Town.
7. Inmates should never ride standing or seated along the sides of the vehicle.
8. If an accident should occur involving a town vehicle the vehicle should be parked at the scene of the accident and the driver go for assistance. After contacting assistance, the driver should immediately return to the vehicle.

Following are emergency numbers:

Police, Fire and Ambulance	911
Police Department Only	775-8011
Town Hall	775-3542

9. It is the responsibility of each Town employee to keep Town vehicles clean whether or not working on that vehicle.
10. Drivers are foremost responsible for vehicles. Vehicles must be kept clean INSIDE and OUTSIDE.
11. Employees are not to remove Town property from a Town vehicle without permission



